

EXHIBIT 53, CONTINUED

- 2006 – Court-appointed expert and Court Representative, *Perez v. Tilton* federal class action lawsuit settlement. (California)
Responsible to *Perez* Court for coordinating remedies between dental (*Perez v. Tilton*), medical (*Plata v. Schwarzenegger*), and mental health (*Coleman v. Schwarzenegger*). Monitor compliance with *Perez* stipulated injunction until approximately 2012.
- 2005 – Court-appointed expert (monitor), *Fussell v. Wilkinson* federal class action lawsuit settlement. (Ohio)
Performed initial fact finding, provided dental input to stipulated injunction, and will monitor compliance until approximately 2011.
- 1999 - 03 Editorial Board *Journal of Public Health Dentistry*
- 1996 - 05 Editorial Board, Mosby's Dental Drug Reference
- 1993 - 07 *Ad hoc* reviewer: *J Public Health Dent* (10); *J Amer Dent Assoc* (6); *J Dent Educ* (3); *Pediatr* (1); *Community Dent and Oral Epidemiol* (3); *Cleft Palate Craniofacial J* (3); *Pediatr Int* (3); *J Dent Res* (2); *Caries Res* (4); *Oral Dis* (2); *J Oral Rehab* (2)

Teaching

Predoctoral

- 1993 - 2007 Director, Principles of Biostatistics
- 1993 - 2007 Lecturer, Applied Preventive Dentistry
- 1993 - 2007 Clinical Supervisor, Preventive Dentistry
- 2006 - 2007 Clinical Supervisor and Care Provider, Dallas County Juvenile Detention Center Dental Clinic, Dallas, Texas
- 1994 - 2005 Director, Epidemiology & Prevention
- 1993 - 2005 Director, Epidemiology & Prevention
- 1995 - 2003 Director, Dental Public Health

Postdoctoral

- 1994 - 2007 Director, Dental Public Health Residency
- 1994 - 2007 Lecturer, Research Methods
- 2001 - 2006 Director, Applied Biostatistics

PUBLICATIONS

Peer Reviewed Publications (30 since 2000)

1. Puttaiah R, Shulman JD, Dennis Youngblood D, Bedi R, Tse E, Shetty S, Almas K, Du M. Sample infection control needs assessment survey data from eight countries. *Indian Dental Journal* 2009; 59, 271-276.

2. Beach MM, Shulman JD, Johns G, Paas J. Assessing the viability of the independent practice of dental hygiene. *J Public Health Dent.* 2007;67(4):250-4.
3. Blackwelder A, Shulman JD. Texas dentists' attitudes towards the Dental Medicaid program. *Pediatr Dent* 2007;29:40-4.
4. Massey CC, Shulman JD. Acute ethanol toxicity from ingesting mouthwash in children younger than 6 years of age, 1989-2003. *Pediatr Dent.* 2006; 28:405-409.
5. Shulman JD, Carpenter WM. Prevalence and risk factors associated with geographic tongue among US adults. *Oral Dis.* 2006;12:381-386.
6. Clark DC, Shulman JD, Maupomé G, Levy SM. Changes in dental fluorosis following cessation of water fluoridation. *Community Dent Oral Epidemiol.* 2006;34: 197-204.
7. Shulman JD, Sutherland JN. Reports to the National Practitioner Data Bank involving dentists, 1990-2004. *J Am Dent Assoc* 2006;137:523-528.
8. Holyfield LJ, Bolin KA, Rankin KV, Shulman JD, Jones DL, Eden BD. Use of computer technology to modify objective structured clinical examinations. *J Dent Educ* 2005;10:1133-1136.
9. Benson BW, Shulman JD. Inclusion of tobacco exposure as a predictive factor for decreased bone mineral content. *Nicotine Tob Res* 2005;719-724.
10. Shulman JD, Rivera-Hidalgo F, Beach MM. Risk factors associated with denture stomatitis in the United States. *J Oral Path Med* 2005;340-346.
11. Shulman JD. Is there an association between low birth weight and caries in the primary dentition? *Caries Res* 2005;39:161-167.
12. Shulman JD. The prevalence of oral mucosal lesions in U.S. children and youth. *Int J Pediatr Dent.* 2005;15:89-97.
13. Bolin KA, Shulman JD. Nationwide dentist survey of salaries, retention issues, and work environment perceptions in community health centers. *J Am Dent Assoc* 2005;136 (2): 214-220.
14. Shulman JD. Recurrent herpes labialis in US children and youth. *Community Dent Oral Epidemiol* 2004; 32: 402-9.
15. Shulman JD. An exploration of point, annual, and lifetime prevalence in characterizing recurrent aphthous stomatitis in USA children and youth. *J Oral Path Med.* 2004;33: 558-66.
16. Shulman JD, Beach MM, Rivera-Hidalgo F. The prevalence of oral mucosal lesions in U.S. Adults: Data from the Third National Health and Nutrition Examination Survey. *J Am Dent Assoc* 2004;135:1279-86.
17. Bolin KA, Shulman JD. Nationwide survey of dentist recruitment and salaries in community health centers. *J. Health Care for the Poor and Underserved* 2004; 15:161-9.
18. Shulman JD, Maupomé G, Clark DC, Levy SM. Perceptions of tooth color and dental fluorosis among parents, dentists, and children. *J Am Dent Assoc* 2004;135(5):595-604.

19. Rivera-Hidalgo F, Shulman JD, Beach MM. The association of tobacco and other factors with recurrent aphthous stomatitis. *Oral Dis*. 2004;10:335-345.
20. Shulman JD, Peterson J. The association between occlusal characteristics and incisal trauma in individuals 8 - 50 years of age. *Dental Traumatology* 2004; 20: 67-74.
21. Buschang PH, Shulman JD. Crowding in treated and untreated subjects 17-50 years of age. *The Angle Orthodontist* 2003; 73(5):502-8.
22. Maupomé G, Shulman JD, Clark DC, Levy SM. Socio-demographic features and fluoride technologies contributing to higher TFI scores in permanent teeth of Canadian children. *Caries Res* 2003; 37(5):327-34.
23. Shulman JD, Nunn ME, Taylor SE, Rivera-Hidalgo F. The prevalence of periodontal-related changes in adolescents with asthma: Results of the Third Annual National Health and Nutrition Examination Survey. *Pediatr Dent* 2003; 25(3):279-84.
24. Makrides NS, Shulman JD. Dental health care of prison populations. *J Corr Health Care* 2002; 9(3):291-306.
25. Shulman JD, Ezemobi EE, Sutherland JN. Louisiana dentists' attitudes toward the Dental Medicaid program. *Pediatr Dent* 2001; 23(5):395-400.
26. Shulman JD, Taylor SE, Nunn ME. The association between asthma and dental caries in children and adolescents: A population-based case-control study. *Caries Res* 2001; 35:4:240-246.
27. Maupomé G, Shulman JD, Clark DC, Levy SM, Berkowitz J. Tooth-surface progression and reversal changes in fluoridated and no-longer-fluoridated communities over a 3-year period. *Caries Res* 2001; 35:2:95-105.
28. Trautmann G, Gutmann JL, Nunn ME, Witherspoon DE, Shulman JD. Restoring teeth that are endodontically treated through existing crowns. Part I: Survey of pulpal status on access. *Quintessence Int* 2000; 31(10):713-18.
29. Trautmann G, Gutmann JL, Nunn ME, Witherspoon DE, Shulman JD. Restoring teeth that are endodontically treated through existing crowns. Part II: Survey of restorative materials commonly used. *Quintessence Int* 2000; 31(10):719-28.
30. Lalumandier JA, McPhee SD, Riddle S, Shulman JD, Daigle WW. Carpal tunnel syndrome: Effect on Army dental personnel. *Milit Med* 165:372-78, May 2000.

Book Chapters Monographs, and Non-Peer Reviewed Articles (4 since 2000).

1. Cappelli DP, Shulman JD. Epidemiology of Periodontal Diseases. In Cappelli DP, Mosley C, eds. Prevention in Clinical Oral Health Care. Elsevier (2008), 14-26.
2. Shulman JD, Gonzales CK. Epidemiology of Oral Cancer. In Cappelli DP, Mosley C, eds. Prevention in Clinical Oral Health Care. Elsevier (2008), 2-13.
3. Shulman JD, Cappelli DP. Epidemiology of Dental Caries. In Cappelli DP, Mosley C, eds. Prevention in Clinical Oral Health Care. Elsevier (2008), 27-43.
4. Shulman JD, Heng C. Meth Mouth: What We Know and What We Don't Know. *Fortune News* 2006;52(1):12-13.

Abstracts Presented (29 since 2000)

1. Harrel SK, Rivera-Hidalgo F, Hamilton K, Shulman JD. Comparison of Ultrasonic Scaling Wear and Roughness Produced In Vitro. *J Dent Res* 87 (Special Issue): # 1018, 2008.
2. Harrel SK, Rivera-Hidalgo F, Shulman JD. Comparison of Surgical Instrumentation Systems for Minimally Invasive Periodontal Surgery. *J Dent Res* 87 (Special Issue): # 1020, 2008.
3. Shulman JD, Bolin KA. Characterizing Disparities in Root Surface Caries in the US. *J Dent Res* 85 (Special Issue): # 476, 2006.
4. Shulman JD, Bolin KA. Is Root Surface Caries Associated with Xerogenic Medications? *J Dent Res* 85 (Special Issue): # 477, 2006.
5. Shulman JD, Carpenter WM. Risk Factors Associated with Geographic Tongue Among US Children. *J Dent Res* 85 (Special Issue): # 1205, 2006.
6. Shulman JD, Bolin KA, Eden BD. Socio-demographic Factors Associated with Root Surface Caries Prevalence. *J Dent Res* 84 (Special Issue): # 3279, 2005.
7. Shulman JD, Carpenter WM, Rivera-Hidalgo F. Prevalence of Hairy Tongue among US Adults. *J Dent Res* 84 (Special Issue): # 1396, 2005.
8. Eden BD, Shulman JD. Root Caries in the US by Tooth Type and Surface. *J Dent Res* 84 (Special Issue): # 2622, 2005.
9. Mobley CC, Shulman JD. Birth Weight and Caries in the Permanent Dentition of Children. *J Dent Res* 84 (Special Issue): # 86, 2005.
10. Puttaiah R, Shulman JD, Bedi R, Youngblood D, Tse E. Infection Control Profile Scores of Practitioners from Eight Countries. *J Dent Res* 84 (Special Issue): # 1026, 2005.
11. Puttaiah R, Youngblood D, Shulman JD, Bedi R, Tse E. Infection Control Practice Comparisons between Practitioners from Eight Countries. *J Dent Res* 84 (Special Issue): # 3207, 2005.
12. Foyle DM, Rivera-Hidalgo F, Shulman JD, Williams F, Hallmon W, Taylor S. Effect of Selected Therapies on Healing in Rat Calvarial Defects. *J Dent Res* 84 (Special Issue): # 1172, 2005.
13. Puttaiah R, Lin SM, Svoboda KKH, Cederberg R, Shulman JD. Quantitative Comparison of Scanning Electron and Laser Confocal Microscopy Techniques. *J Dent Res* 84 (Special Issue): # 3425, 2005.
14. Holyfield LJ, Bolin KA, Rankin KV, Shulman JD, Jones DL, Eden BD. Use of computer technology to modify objective structured clinical examinations. *J Dent Educ* 69 (1):147 # 113, 2005.
15. Benson BW, Shulman JD. Effect of antepartum natural background radiation on infant low birth weight: a pilot study. American Academy of Oral & Maxillofacial Radiology; Denver, CO. 11/6/04.

16. Shulman JD, Beach MM, Rivera-Hidalgo F. Risk factors associated with denture stomatitis in U.S. adults. *J Dent Res* 83 (Special Issue): # 422, 2004.
17. Puttaiah R, Shulman JD, Bedi R. A multi-country survey data on dental infection control KAP. *J Dent Res*; 82 (Spec Issue):# 3394, 2003
18. Eden BD, Shulman JD. Perceived need for denture care and professional assessment of dentures. *J of Dent Res* 83 (Special Issue): # 1604.
19. Benson BW, Shulman JD. Inclusion of tobacco exposure as a predictive factor for decreased bone mineral content. *Oral Surg, Oral Med, Oral Pathol, Oral Radiol & Endo* 97(2): 266-267
20. Eden BD, Shulman JD. Factors influencing self-perceived need for periodontal therapy: Data from the Third National Health and Nutrition Survey (NHANES III). *J Dent Res* 2003; 82(Spec Issue):#0481.
21. Shulman JD, Beach MM, Rivera-Hidalgo F. The Prevalence of oral mucosal lesions among US adults: Results from the Third National Health and Nutrition Survey. *J Dent Res* 82 (Special Issue A): # 1472, 2003.
22. Rivera-Hidalgo F, Shulman JD, Beach MM. Recurrence of aphthous ulcerations in adult tobacco smokers. *J Dent Res* 82 (Special Issue A): # 0759, 2003.
23. Shulman, JD, Nunn, ME, Taylor SE. The association between asthma and periodontal health in adolescents using data from NHANES 3. *J Dent Res* 81 (AADR Abstracts): # 2971, 2002.
24. Buschang PH, Shulman, JD. Patterns of maxillary and mandibular incisor irregularity. *J Dent Res* 81 (AADR Abstracts): # 3951, 2002.
25. Maupomé G, Shulman, JD, Clark DC, Levy SM. TFI measurements in the BC fluoridation cessation study. *J Dent Res* 81 (AADR Abstracts): # 547, 2002.
26. Holyfield L, Jones D, Rankin KV, and Shulman JD, Communities against Spit Tobacco: A Model for Community Based Spit Tobacco Intervention. Centers for Disease Control and Prevention, Odyssey 2001 Conference. (Atlanta, 2001)
27. Shulman JD, Nunn M, Taylor S. The relationship of childhood asthma to dental caries. *J Dent Res* 80 (AADR Abstracts): # 1018, 2001.
28. Buschang PH, Shulman JD. Crowding in treated and untreated subjects 17-50 years of age. *J Dent Res* 80 (AADR Abstracts): # 436, 2001.
29. Shulman JD, Maupomé G, Clark DC, Berkowitz J, Levy SM. D1D2MFS progressions/reversals in de-fluoridated / fluoridated communities in Canada. *J Dent Res* 79 (AADR Abstracts): # 1910, 2000.

EXHIBIT B

Documents Reviewed

1. Billing summary for Inmate Dental Care (Jon Ficken, DDS).
2. Blank patient registration form.
3. Complaint - Class Action.
4. *Curriculum Vitae*: Keith A. Tolan, MD.
5. Defendants' Response to RPD # 60 (budget worksheets).
6. Defendants' Response to RPDs # 65, 66, 67 (medical, dental and mental health expenses for 2005-2007, Prepared by NCP Controller, Charles Erdman, Jr.).
7. Deposition of Robert Hynick, DO, December 9, 2009; 83 pages.
8. Deposition of Ralph Reish, November 10, 2009; 169 pages.
9. Deposition of Anne Yeager, November 13, 2009; 161 pages.
10. Dr. Ficken's treatment / billing records - 51 invoices for dental services provided to NCP inmates from 11/15/06 to 9/16/09.
11. 46 panoramic radiographs taken by Dr. Ficken on NCP patients.
12. Dr. Hynick's Standing Order for Toothache with or without Abscess. Hynick Deposition Ex. 57; 1 page.
13. Exhibit S - David Sprout Declaration; 59 pages.
14. Facts from NCP Prison Board Minutes. January 4, 2006 to February 3, 2010. 47 pages.
15. Health records of 80 patients who presented with tooth-related pain from 9/26/04 to 7/14/09.
16. Job Vacancy - LPN (part-time).
17. Job Description "Staff Nurse (LPN), Grade P".
18. Memo from R. Hynick, to Warden Reish (no subj.) dated 1/18/2008.
19. Northumberland County Prison Inmate Handbook. Revised June 2008.
20. Photocopy of Practical Nurse License of Ann Marie Yeager.
21. Plaintiffs' Request for Production of Documents.
22. SM-9. "Admissions". Effective Date January 2007.
23. SM-10. "Pharmaceuticals and Distribution of". Revised January 2008.
24. SM-12. Special Management Policy Statement. Medical & Health Care. Revised January, 2009. 2 pages.
25. Memo from Dr. Robert Hynick to Warden Reish dated January 5, 2009, subject Evaluation of Medical Program. 1 page.

EXHIBIT C

Summarized Medical Records of Dental Patients

Inmate 2. *[Inadequate examination; Multiple (3) courses of antibiotics for a dental problem; Dr. Hynick's failure to examine the patient; Dr. Hynick's failure to document a diagnosis; Dr. Hynick's failure to document follow-up before prescribing subsequent courses of antibiotics; Denial of access to a dentist – 105 days without dental treatment].*

- The inmate was seen by a Prison nurse on August 22, 2006 with a complaint of lower left dental pain.
- The nurse's clinical note documented redness and edema on lower gum line and that Dr. Hynick verbally ordered her to start inmate on a course of 500 mg of Penicillin and 600 mg of Ibuprofen, 3 times a day for 7 days.
- A month later, on September 22, 2006, the inmate was seen by the nurse again and related the same complaint.
- The nurse again observed redness and edema on the gum line and received a verbal order from Dr. Hynick for another 7 day course of Penicillin and Ibuprofen, 3 times a day.
- A third course of the Penicillin / Ibuprofen was verbally ordered by on October 30, 2006, after the nurse reported another complaint by the inmate of dental pain and seeing redness and edema along the gum line that day.
- There is no indication in the inmate's medical record that Dr. Hynick ever examined his teeth. The inmate's dental "examinations" were left to the nurse.
- There is no indication in inmate's medical record that the Prison's Medical Department ever scheduled or attempted to schedule an appointment for him with the Prison's contract dentist, Dr. Jon Ficken before the inmate's release on December 5, 2006.

Inmate 6. *[Charting irregularity; Dr. Hynick's failure to examine patient].*

- The inmate was seen by the nurse on November 15, 2006 for a toothache in the upper right side of his mouth. The nurse noted that inmate's gum line was red and that the right side of his face had edema. Dr. Hynick issued a verbal order to start inmate on a 7 day course of 500 mg of Penicillin and 600 mg of Ibuprofen, 3 times a day.
- Dr. Hynick did not later sign or initial the reported order in the chart.
- Six days later, on November 21st, inmate complained to LPN about increased facial swelling and pain on the right side of his face.
- The nurse's note stated that the inmate expected to be released from the Prison in a few days and would be following up with his dentist.
- Dr. Hynick issued a verbal order to give the inmate an immediate intramuscular injection of Ceftriaxone. In addition, Dr. Hynick ordered 3 additional days of Penicillin and Ibuprofen.
- There is no indication in the inmate's medical records that Dr. Hynick examined his teeth before the inmate was released on November 25, 2006.

Inmate 8. *[Multiple (3) courses of antibiotics for dental problem; Delayed access to a dentist – 65 days; Dr. Hynick's failure to examine patient; Charting irregularity; Dr. Hynick's prescribing antibiotics in the absence of clinical signs of infection].*

- The inmate submitted a request slip to the Prison's Medical Department on August 15, 2006 asking to see a dentist to have a tooth extracted. He wrote that the tooth *"is bothering me real bad."*
- He saw the nurse the next day. The nurse wrote that there was a *"possible"* cavity on the upper right gum line; that she *"educated"* the inmate on the possibility of saving the tooth *"verses [sic] an extraction"*; and recorded Dr. Hynick's verbal order to start inmate on a 10 day course of 500 mg of Penicillin and 600 mg of Motrin, 3 times a day.
- On August 29th, after the antibiotic course was completed, the inmate submitted another request to see a doctor about his tooth, explaining, *"[I]t is getting worse. I can't take the pain any more. It is that bad."*
- On August 30th, he saw the nurse and reported receiving only *"a little relief"* from the Penicillin and Motrin.
- Dr. Hynick verbally ordered 250 mg of Amoxicillin – 3 times a day, for 10 days.
- On September 13th, the inmate sent another request to the Medical Department in which he wrote: *"I would like to get a tooth removed. It is too painful to bear any more."*
- Three weeks later (on October 5th), the inmate met with the nurse.
- After the encounter, the nurse reported in a clinical note that inmate had a history of *"severe discomfort"* from a cavity and that Dr. Hynick verbally ordered a 10 day course of Penicillin and Motrin, twice a day.
- Dr. Hynick did not later sign or initial the note.
- An entry the following day stated that an appointment with Dr. Ficken was scheduled for November 8th (a month from then and two and a half months since inmate received the first course of antibiotics).
- There is no indication in inmate's medical records that Dr. Hynick ever examined his teeth.
- Despite the absence of clinical evidence of infection, Dr. Hynick prescribed three courses of antibiotics.
- The inmate was released from the Prison on October 19, 2006 – prior to the scheduled appointment with Dr. Ficken.

Inmate 10. *[Multiple (3) courses of antibiotics for dental problem; Delayed access to a dentist – 62 days; Failure to address inmate's pain timely].*

- On March 2, 2006, the inmate submitted a request to the Medical Department. He wrote: *"Is there a dentist or something that can look at my two teeth. They are really bad[;] probably need to be pulled. I'm constantly getting toothaches and my jaw joints*

on both sides hurt. I started taking advil from the nurse but that is only helping for so long and I'm going to be here for at least another 3 months. Thank you for your time."

- There is no indication on the request slip or elsewhere in inmate's medical records of a reply to this request.
- On March 4th, he submitted another request to the Medical Department. In it, he referred to *"two bad cavities that I believe are causing an infection in my lower jaw which is making my whole face & head hurt."* Noting that he had been taking Advil and that the pain returned after a few hours, he stated: *"I would like to get it taken care of as soon as possible before it gets worse."* There was no response to the request on the slip and no entry in the medical records indicating that the inmate was seen that day, or the next two days.
- On the morning of March 7th, the inmate submitted another request slip to the Medical Department. He wrote: *"This is my third request[.] [I]'m in a lot of pain. My whole head is hurting and now I am getting sick[.] [I]f this is an infection running through my body that[']s not good[.] [I] just can't understand why its [sic] taking so long to see someone[.] [T]his is a serious matter[.] [T]his cant [sic] be left to go day after day[.] [S]o can someone please see me to get this taken care of."*
- At 10:20 that evening, a Prison Lieutenant's note in the inmate's clinical chart reported that the inmate had *"apparently passed out in his cell"* and was *"complaining of aches and pains throughout his body but worse in head area."* The note indicated that Dr. Maue (a psychiatrist) examined the inmate and that his temperature was 101.7; blood pressure was 168/87; and pulse rate was 140. It reported that Dr. Maue telephoned Dr. Hynick who instructed that the inmate be given 1000 mg of Tylenol, a Phenergan suppository, ice chips, and fluids.
- There is no documentation that either Drs. Maue or Hynick correlated the inmate's problem with his uncontrolled odontogenic infection.
- The following day, March 8th, the inmate was prescribed 600 mg of Ibuprofen 3 times a day for five days, ending on March 13th.
- A clinical note by Dr. Hynick on March 13th documented that the inmate had an abscessed third molar and was prescribed 500 mg of Penicillin 3 times a day for 10 days. The Penicillin course was completed on March 22nd.
- On April 1st, the inmate informed the Medical Department in a request slip that he again had a toothache, had been taking Advil, that the pain in his face was beginning to return, and that he was wondering whether he could receive Penicillin *"before I get another nasty abcest [sic]."*
- The nurse saw the inmate three days later. She charted his complaint of a toothache on the lower left molar and reported edema on his left cheek. The nurse received a verbal order from Hynick for another course of Penicillin (500 mg 3 times a day for 10 days).
- On April 6th, an appointment was scheduled for the inmate with Dr. Ficken for May 3, 2006 (nearly a month away and seven weeks since the inmate received the first course of antibiotics).

- On April 20th, the inmate submitted a request asking to be placed back on Penicillin because a lump above his tooth on the gum⁷⁴ was putting pressure on the tooth and giving him pain.
- There is no indication in the medical records of a reply.
- The inmate repeated the request on April 27th.
- A nurse's note, dated April 28th, reported that the inmate was complaining about a toothache and that Dr. Hynick issued a verbal order for him to receive 500 mg of Penicillin, twice a day, over the next 10 days.
- Dr. Ficken saw him on May 6th and extracted two teeth.

Inmate 14. *[Multiple (2) courses of antibiotics for dental problems; Nurse's prescribing medication and/or charting irregularities; Denial of access to a dentist – 30 days without dental treatment; Dr. Hynick's failure to examine patient].*

- On June 9, 2006, the inmate informed the Prison's Medical Department that she had an exposed nerve on a tooth. Stating that she couldn't "stand the pain", she asked the department to "please do something for it."
- A nurse's note that day documented swelling on the left bottom of her jaw. The note further stated: "Starting [Penicillin] 500 mg TID x 7 days[,] Ibuprofen 600 mg TID x 7 days."
- The note did not state that Dr. Hynick prescribed the medication or had even been consulted.
- The note was not later signed or initialed by Dr. Hynick.
- On June 13th, the inmate informed the Prison's deputy warden in a request slip about having a toothache the previous night.
- In an undated request to the Medical Department, she wrote: "I was prescribed antibiotic and it seems to not be working. I am getting lack of sleep & can't stand the pain."
- On the morning of June 18th, she informed the Medical Department through a request slip that her mouth was still swollen and that her tooth continued to hurt. She asked for "something for pain & sleep."
- In another request later that day, she wrote: "I am requesting pain medication because I have an exposed nerve in the tooth. It is swollen and keeps me awake."
- A June 19th nurse's entry in the inmate's medical chart stated: "[D]ental abscess not resolved. Continue PVK 500 mg TID x 3 days and Ibuprofen 600 mg x 3 days."
- The note did not state that Dr. Hynick prescribed the medication or had been consulted.

⁷⁴ This is characteristic of a sinus tract (a communication between infected tissue and a body cavity or the skin) indicating that the dental abscess is draining into the mouth.

- There is no indication in the inmate's medical records that she saw or was scheduled to see a dentist or that Dr. Hynick ever examined her teeth before her release on July 9, 2006.

Inmate 15. *[Delayed access to a dentist – 45 days; Failure to order analgesics for a patient in pain; Dr. Hynick's failure to examine patient].*

- In a March 26, 2006 request to the Medical Department, the inmate complained about a "real bad toothache"; a large cavity that was becoming infected; and a sore on his gums. He asked for the tooth to be extracted because it was causing a lot of pain and "won't get better."
- That day, the nurse reported in a clinical entry that the inmate complained of a toothache, had a decayed tooth on the upper right gum line, and that the gum was red and swollen.
- Dr. Hynick issued a verbal order to start the inmate on 500 mg of Penicillin, twice a day, for 10 days.
- No analgesic was ordered despite the inmate's reporting pain.
- The inmate's medication chart indicates that he took most, but not all of the medication.
- On April 3rd, the inmate wrote in an inmate request to the medical dept./deputy warden: "Sir, I have a real bad tooth, a lot of pain for quite some time now. Can I please get my tooth pulled, the pain is constant[.] I would deeply appreciate this."
- A handwritten note on the request slip stated: "On PVK. Non Compliant."
- On April 6th, an appointment was scheduled with Dr. Ficken for May 10th – more than a month away.
- Tooth # 4 was extracted on May 10th and a lost filling in tooth # 20 was replaced.

Inmate 17. *[Multiple (2) courses of antibiotics; Delayed access to a dentist – 113 days; Dr. Hynick's failure to examine the patient].*

- In a July 9, 2006 request to the Prison's Medical Department, the inmate wrote: "Please put me on the Dental list. I have a tooth that needs pulled ASAP. It's causing me severe pain! I will be here a while and would like to be pain free."
- A nurse's note entered the following day stated that the inmate had a possible cavity in his front tooth, but that the tooth was not decayed [*sic*] and was intact to the gum line. The note also reported that Dr. Hynick verbally ordered that the inmate be given 500 mg of Penicillin and 600 mg of Motrin twice a day, for 10 days.
- The inmate completed the course of antibiotics on July 21st.
- On August 13th, in a request to the Medical Department, the inmate related: "I seen the nurse about a month ago about my tooth causing me severe pain. I would like to make sure I'm still on the dentist list and would like to get something for the pain. I'm going to be here for a while."

- A nurse's note the next day reported that the inmate's *"mouth/tooth continue [to be] tender & red"* and that another round of Penicillin [this time with Ibuprofen] was being started for 7 days, 3 times a day.
- The health record contains a patient registration form from Dr. Ficken's office dated August 30th but no clinical notes by Dr. Ficken indicating that any treatment was provided (or that the inmate was seen). Moreover, the inmate's name does not appear on any of Dr. Ficken's invoices.
- There is no indication in the inmate's medical records that Dr. Hynick ever examined the inmate's teeth before his release on October 30, 2006.

Inmate 20. *[Multiple (3) courses of antibiotics (apparently) for dental problems; Denial of access to a dentist – 58 days without dental treatment; Dr. Hynick's failure to examine patient; Nurse's prescribing medication and/or charting irregularities; Prescribing antibiotics in the absence of clinical evidence of infection].*

- The inmate informed the booking officer when committed on March 15, 2006 that he had a tooth abscess.
- The next day, the nurse documented the abscess during the intake nurse's evaluation.
- There was a reference at the bottom of the inmate's history/evaluation document to an antibiotic having been dropped off at the Sunbury Hospital's emergency room – the name of which the inmate could not recall.
- On April 11th, the inmate submitted the following request to the Medical Department: *"I would like to have the nurse or doctor look at my teeth and possibly get some work done to them. I have a constant toothache in 3 teeth."*
- An April 11th nurse's note reflects that the inmate was seen that day; that a lower left molar was decayed; and that Dr. Hynick verbally ordered that he be started on a 10 day course of 500 mg of Penicillin, twice a day.
- A medication chart reflects that the inmate received the Penicillin for the 10 days.
- The inmate's MAR reflects that he received two other 10 day courses of Penicillin – one in late April, the other in early May of 2006.
- There was no clinical evidence of infection yet three courses of antibiotic were prescribed. There are no clinical notes documenting why Penicillin was given to the inmate on those occasions. They were presumably for his dental problems.
- Nor is there any indication in the inmate's medical records that he was ever examined by Dr. Hynick or scheduled for a dental appointment before the inmate's release on May 12, 2006.

Inmate 23. *[Dr. Hynick's failure to examine patient; Delayed access to a dentist – 34 days].*

- The inmate submitted a request slip to the Medical Department on March 24, 2005, stating that he needed *"to be put on the dentist list A.S.A.P."*

- He was not sent to Dr. Ficken until April 27th.
- During the examination, the inmate informed Dr. Ficken that he was experiencing dental pain.
- Dr. Ficken found that two of his teeth were broken (one to the gum line) and non-restorable. They were both extracted.
- There is no indication in the inmate's medical records that he received any pain medication for his teeth between March 24th and the day he saw Dr. Ficken – or that he was examined by Dr. Hynick. In fact, there are no clinical notes during this time period related to the inmate's teeth.

Inmate 24. *[Denial of access to a dentist – 22 days without dental treatment; Dr. Hynick's failure to examine patient].*

- A June 6, 2006, a nurse's note reported that a tooth on the lower right side of his mouth was "broke off @ gum line" and that the inmate was complaining about "pain and discomfort." The gum line was described in the note as "swollen & red." Dr. Hynick ordered 500 mg of Penicillin and Ibuprofen 3 times a day for 7 days.
- There is no indication in the medical records that he was ever scheduled for an appointment with Dr. Ficken to address the dental problem before his release on June 28, 2006.

Inmate 25. *[Delayed access to a dentist – 24 and 141 days; denial of medication; Dr. Hynick's failure to examine patient].*

- On November 20, 2005, the inmate informed the Medical Department that a tooth that had been bothering him for a while was very loose, and he wished to be seen.
- A nurse's note reported that the inmate was seen the next day that and that his gum was "red and swollen". The right molar was described as "partly" decayed.
- Dr. Hynick issued a verbal order on November 21st for the inmate to receive 500 mg of Keflex twice a day, for 9 days.
- The inmate was examined by Dr. Ficken three weeks later, on December 14, 2005. Dr. Ficken found several decayed teeth and abscesses of teeth #5 and #19. Both teeth were extracted.
- On December 18, 2005, in a request to the Medical Department, the inmate wrote: "I should have had my 4 rotten teeth pulled on the 14th of dec. but couldn't take the needle for the 3rd time. Now I am sorry because now they are painful and there are chipping away. I am sorry to bother you about this again but the pain is unbearable and I thought I could take the pain for a month but I cant. I can't take the pain of the chipping away. . Can you make another appt. I know I should have had them done. . .I was kinda scared cause that was the first time I ever had a tooth pulled. Will you please make me another appt. I don't know when I'm gonna get out so I thought I would ask to get them done now. My sincere apology for asking again. Next time I will get them all pulled at once."

- There was no written response to the request and no documentation of an encounter with Medical Department personnel (by Dr. Hynick or a nurse) following the request.
- On December 27th, the inmate submitted another request to the Medical Department. He wrote: *"My teeth are really hurting so bad that is hard for me to eat hard food."*
- There is no indication of a response, assessment, or treatment in his medical record following the request.
- On February 13, 2006, the inmate submitted a third request to the Medical Department – this one in care of the night shift nurse. He wrote: *"My teeth that I have been complaining about and the first shift nurse said [I] refused something and I did not refused [sic] anything. So could you please put me on the list to get my teeth pulled."*
- On May 17th [five months after complaining about dental pain and apologizing for not having *"all of my rotten teeth"* extracted during his first visit to the dentist], he was sent to Dr. Ficken's office. Dr. Ficken extracted teeth #s 7, 8, 18, and 30 (finding large cavities in each of the teeth which rendered them non-restorable).
- There are no entries in the inmate's medical record reflecting that he received any medication to address his teeth/pain during the period between his December 2005 and May 2006 visits to Dr. Ficken's office.
- There is no documentation that he was examined by Dr. Hynick or Prison nurses during the period between the visits to Dr. Ficken's office; nor is there any indication in the record that Dr. Hynick ever examined the inmate's teeth.

Inmate 26. *[Multiple (2) courses of antibiotics for a dental problem; Denial of access to a dentist – 37 days without dental treatment; Dr. Hynick's failure to examine patient].*

- On October 31, 2006, the inmate submitted a request slip to the Medical Department asking to see a nurse.
- A November 1st nurse's note stated: *"C/O toothache. Has few teeth and rotten gums [with] broke [sic] teeth still @ gum line. Gum line [left] side reddened [sic]."*
- Dr. Hynick verbally ordered that she be given 500 mg of Penicillin and 600 mg of Motrin, 3 times a day, for 10 days.
- On the morning of November 19th, the inmate submitted a request slip to the Medical Department stating: *"I have a root canal that has been loosened up and has got infected. Could I please get some medicine for it. Thank you. Also my face is swelling."*
- On the afternoon of the 19th, she wrote in another request slip: *"I don't know if I said it right this morning but my front tooth is a root canal & I bite something and pulled it loose[.] Now it is loose & swelled up. I know I've been on antibiotics already but it's getting infected. I'm sure because I've gone through this for 20 yrs."*
- Three days later, she saw the nurse for a toothache and a decayed tooth.
- Dr. Hynick verbally ordered 500 mg of Penicillin and 600 mg of Motrin twice a day for 7 days.

- The MAR reflects that the inmate received Penicillin and 400 mg of Motrin through November 30th.
- There is no indication in the inmate's medical records that she was scheduled to see or saw a dentist while confined in the Prison.
- Nor is there any indication that Dr. Hynick ever examined her teeth before her release on December 7, 2006.

Inmate 30. *[Multiple (2) courses of antibiotics for tooth problem; Delayed access to a dentist – 63 days; Dr. Hynick's failure to examine patient].*

- The inmate saw a Prison nurse on August 3, 2005 with a complaint of a toothache.
- A nurse's note (on the back side of the history/assessment form) identified the cause of the pain as decay in the upper molars and stated that Dr. Hynick verbally ordered 500 mg of Penicillin twice a day for 10 days.
- On September 30th, the inmate complained again to a nurse about a toothache and Dr. Hynick prescribed 500 mg of Penicillin twice a day for 10 days.
- The inmate was sent to Dr. Ficken on October 5th. Dr. Ficken found an abscess in tooth #19 and extracted it because it was non-restorable.
- There is no indication in the inmate's medical records that Dr. Hynick ever examined his teeth.

Inmate 32. *[Multiple (2) courses of antibiotics for dental problem; Denial of access to dentist – 37 days without dental treatment; Dr. Hynick's failure to examine patient].*

- A November 6, 2006 nurse's entry in the inmate's clinical record reported that she was seen in the Medical Office with a complaint of lower left dental pain and discomfort. The gum line was described as red, and edema was noted. Dr. Hynick verbally ordered that she be started on a course of 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day, for 7 days.
- In a November 19th request slip, the inmate asked to be "put-back on my antibiotic for my absessed [sic] tooth."
- Three days later, Dr. Hynick verbally ordered another 7 day course of Penicillin with 600 mg of Motrin twice a day for 7 days.
- There is no indication in the inmate's medical records that Dr. Hynick ever examined her teeth.

Inmate 34. *[Multiple (2) courses of antibiotics for dental problem; Denial of access to a dentist – 107 days without dental treatment; Dr. Hynick's failure to examine patient].*

- On February 12, 2007, the inmate was seen by an NCP nurse with a complaint of lower right dental pain. The nurse described the gum line as red and noted edema. Dr. Hynick verbally ordered 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.

- The inmate returned to the Medical Office on March 27th with the same complaint. The nurse again noted that the gum line was red and the presence of edema. Another course of Penicillin and Ibuprofen 3 times a day for 7 days was initiated pursuant to Dr. Hynick's verbal order.
- There is no indication that the inmate was scheduled to see or saw a dentist while confined in the Prison before his release on May 30, 2007; nor is there any indication that Dr. Hynick ever examined his teeth.

Inmate 36. *[Multiple (2) courses of antibiotics for tooth problems; Delayed access to a dentist – 43 days; Dr. Hynick's failure to examine patient; Failure to order analgesic for patient in pain].*

- A March 21, 2006 nurse's note reported that the inmate complained of a toothache that day and that Dr. Hynick verbally ordered that he receive 500 mg of Penicillin twice a day for 7 days. The MAR confirms that he also received 400 mg of Ibuprofen, twice a day for 7 days.
- On April 1st, the inmate wrote the following in a request to the Medical Department: *"I need to get my tooth pulled. I am in a lot of pain. I can't sleep."*
- On April 5th, Dr. Hynick verbally ordered that the inmate receive another course of Penicillin – this time for 10 days. Ibuprofen was not ordered.
- On April 6th, the Medical Department scheduled a dental appointment with Dr. Ficken for May 3, 2006—nearly four weeks away. The inmate was treated by Dr. Ficken on May 3, 2006 at which time (according to the invoice) a tooth was extracted and one was filled.
- There is no indication in the inmate's medical records that Dr. Hynick ever examined the inmate's teeth before his release on July 20, 2006.

Inmate 37. *[Delayed access to a dentist – 51 days; Dr. Hynick's failure to examine patient].*

- The inmate submitted a request to the Prison's Medical Department on January 9, 2006 which read: *"I have a tooth that is broke off. The gum has grown over half the tooth that's broke. I am having real bad pain. Could I please see a dentist?"*
- A notation on the bottom of the request slip said: *"On antibiotics."* (Clinical notes in inmate's chart and the January 2006 MAR reflect that he had been started on Keflex for a possible ingrown toenail).
- On January 11th, the inmate submitted another request to the Medical Department, stating: *"Could I please get some attention for my tooth? I have really bad pain that throb's. My gum is grown over the broken part of my tooth. I think the tooth may have to come out. The pain does not stop!"*
- A January 13, 2006 note by Dr. Hynick read: *"Dental pain L upper 3rd molar – already on Keflex 500 mg BID. Add Darvocet N -100 TID x 5 days."*

- In a third request, dated January 31, 2006, the inmate wrote: *"Could I please see the doctor. My tooth is causing me lots of pain. I am sick and every time I cough it feels like I am getting socked."*
- A February 13th nurse's note stated that a dental appointment with Dr. Ficken was scheduled for March 1, 2006 to extract tooth #15 and that he was complaining about pain.
- On February 20, 2006, the inmate submitted another request to the Medical Department, reporting that his tooth was causing *"a lot of pain."*
- Dr. Ficken extracted the tooth on March 1st – after concluding that it was non-restorable.
- There is no indication in the inmate's medical records that Dr. Hynick ever examined his teeth.

Inmate 40. *[Failure of the nurse to consult with Dr. Hynick; Denial of dental treatment – 17 days without dental treatment; Dr. Hynick's failure to examine patient].*

- The inmate was committed on June 26, 2006.
- In an undated request slip to the Medical Department, she wrote: *"I was wondering if I could come see you because my teeth are breaking and I'm having a lot of pain with them and I was hoping you could check them. . ."* In another undated request slip to the Medical Department she said: *"I need to see you because I have really bad pains in my back area going to my sides and I am getting dizzy and sick to my stomach from the pain."* An unsigned, undated handwritten entry on the bottom of the slip stated: *"C/O rotten teeth[.]"* Below that, was written: *"OTC → TyI PRN[.]"*
- A nurse's note on July 17th stated that she had decayed teeth prior to her commitment and that *"if discomfort exist use PRN Motrin &/or will be [re-checked] for usage of PCN."*
- There is no indication in the medical records that the nurse consulted Dr. Hynick regarding this issue.
- There is no indication that an appointment was scheduled with the dentist.

Inmate 45. *[Delayed access to a dentist – 153 days; Dr. Hynick's failure to examine patient's teeth; Nurse making clinical decisions; Patient in pain for from 3/22/2009 through 6/20/2007 (153 days) before definitive treatment was provided].*

- The inmate was admitted to NCP on January 7, 2007 at which time the booking officer noted on the screening checklist that the inmate reported dental problems.
- On January 16th, the inmate submitted a request slip to the Medical Department asking to be placed on a list to see *"the doctor and the dentist for sleep deprivation and really bad teeth"*. A handwritten note on the bottom of the request slip (presumably by a nurse) stated that he was seen on January 18th and found to have one decayed tooth that purportedly was not causing discomfort or interfering with his ability to eat. Noting that the inmate was scheduled to go to court in less than two weeks (2/1/07), the nurse wrote that there would be no treatment *"at this time."*

- The inmate, still in the Prison in March of 2007, submitted another request to the Medical Department on March 22nd related to his dental problem. He wrote: *"Do you have any idea when the dentist is coming in? Am I still on his list? I need some teeth pulled really bad. I've been in extreme pain for weeks now. I'm losing sleep because of being in so much pain. If you would look at my teeth you would be able to see what I'm talking about."*
- An unsigned, undated notation on the request slip (apparently from a nurse) stated that the inmate would not receive an antibiotic at that time but, instead, would be given over-the-counter Motrin, as needed (OTC/PRN Motrin).
- On March 26th, a nurse's clinical note related: *"P/T request for dental extraction. Visual done. Several rotten teeth seen. I/M complaining of minor discomfort. [No] edema of gum line or cheek. Able to chew food adequately. I/M did state that he bought other things and didn't think about his teeth while on the street cause when he gets to a county jail they (being the jail) will pull teeth for free."*
- In an April 22nd request, the inmate apprised the Medical Department that Motrin and aspirin weren't *"really doing to [sic] much for my pain anymore"*; that he was *"losing a lot of sleep"*; and that he wasn't able to eat *"a lot of the time."* He added that *"another piece of my tooth fell off last night."*
- The following day, the inmate met with a nurse and complained about increased pain in his lower left teeth. The nurse observed that his gum line was red and that edema was present. Dr. Hynick verbally ordered 500 mg of Keflex and 600 mg of Ibuprofen 3 times a day for a week.
- The clinical note related to the April 23rd encounter stated that the inmate would not be seen by Dr. Ficken until June because that was the first available appointment date Dr. Ficken had.
- While waiting for his appointment with Dr. Ficken, the inmate wrote a request on 4/29/2009 stating that *"the Keflex seems not to be working at all for some reason. Is there anything else you can give for pain? I've been in excruciating pain all weekend almost to the point of passing out"*.
- Inmate saw a Prison nurse on May 1st, complaining of dental pain. Dr. Hynick verbally ordered 500 mg of Ultram, 3 times a day for 10 days.
- The teeth at issue were extracted by Dr. Ficken on June 20, 2007 – more than five months after he initially informed the Medical Department of his dental problem.
- There is no indication in the medical record that Dr. Hynick ever examined the inmate's teeth.

Inmate 46. *[Multiple (5) courses of antibiotics for dental problems; Denial of access to a dentist – 88 days without dental treatment; Dr. Hynick's failure to examine patient].*

- The inmate was seen by an NCP nurse on April 6, 2007 with a complaint of upper left dental pain. The nurse noted redness and edema in the area.

- Dr. Hynick verbally ordered 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day, for 7 days.
- The inmate saw a nurse again on May 14th for dental pain – this time for upper right pain.
- After the nurse noted that the gum line was red and observed edema in the area, Dr. Hynick verbally ordered a 7 day course of Penicillin and Ibuprofen.
- On June 7, 2007, pursuant to Dr. Hynick's verbal order, she was prescribed a 7 day course of Penicillin and Ibuprofen for upper left dental pain (redness/edema noted by nurse).
- On June 18th, Dr. Hynick verbally ordered another 7 day course of Penicillin and Ibuprofen for upper right dental pain (redness/edema noted by nurse).
- On July 3rd, Dr. Hynick verbally ordered another course of Penicillin and Ibuprofen. However, the course was aborted by the inmate's release from Prison that day.
- There is no indication in the medical record that the inmate saw or was scheduled to see a dentist during the nearly three months that she had dental problems at the institution.
- There is no indication in the medical record that Dr. Hynick ever examined her teeth.

Inmate 48. *[Multiple (2) courses of antibiotics for dental problems; Denial of access to a dentist – 22 days without dental treatment; Dr. Hynick's failure to examine patient; Charting irregularity].*

- During the inmate's first contact with a Prison nurse for dental problems [on January 22, 2007], the nurse noted multiple decayed teeth, pieces of decayed teeth, and a reddened gum line.
- The nurse reported in a clinical entry that Dr. Hynick verbally ordered 500 mg of Penicillin and 600 mg of Motrin 3 times a day, for 10 days.
- Dr. Hynick did not later sign or initial the reported verbal order.
- On February 5, 2007, the inmate submitted the following request to the Medical Department: *"I would like to see you cause I have an infection in my mouth and I would like to see if I could get something for it if at all possible. I was on Motran [sic] & penicillain [sic] last week for the same thing but as soon as I got off it, it came back."*
- A February 5th clinical note documents that the inmate was seen by a nurse with a complaint of dental pain and that the nurse observed a red gum line and edema on her lower jaw.
- Another 10 day course of Penicillin [500 mg] and Ibuprofen was verbally ordered by Dr. Hynick.
- There is a form in the record with a diagram of the mouth dated January 22, 2007 that indicates that several teeth should be extracted; however, the inmate's name does not

appear on Dr. Ficken's invoices and the record has no entries indicating that the inmate saw Dr. Ficken.

- There is no indication in the inmate's medical record that she was scheduled for a dental appointment or examined by Dr. Hynick before her release on February 13, 2007.

Inmate 53. *[Multiple (4) courses of antibiotics for dental problems; Incompetent exam by LPN; Denial of access to a dentist – 257 days without dental treatment; Dr. Hynick's failure to examine patient; Treatment inconsistent with documented clinical findings].*

- Inmate was re-admitted to the Prison on August 18, 2006.
- He saw a nurse on September 14th for dental pain.
- After confirming that his lower right gum line was red, with edema, the nurse received a verbal order from Dr. Hynick for 500 mg of Penicillin and 325 mg of Tylenol (2 tablets) 3 times a day, for 7 days.
- Two weeks later, on September 28th, the inmate was seen by a nurse for a complaint of lower left dental pain. The nurse noted redness on the gum line and edema.
- Another 7 day course of Penicillin/Tylenol was verbally ordered by Dr. Hynick.
- The clinical chart reflects that he was seen by a nurse again on October 11th with a complaint of lower left dental pain. The nurse reported that the gum line was red and that edema was present.
- Dr. Hynick ordered another course of Penicillin and Tylenol. The nurse reported that the gum line was red and that edema was present.
- Per verbal order from Dr. Hynick, the inmate received another course of Penicillin and Ibuprofen.
- Seven months later (5/8/2007), the chart reflects that the inmate was seen by the nurse with a complaint of "lower left dental pain and discomfort".
- Per verbal order from Dr. Hynick, inmate received another course of Penicillin and Ibuprofen.
- There is no indication in the inmate's medical record that he was ever scheduled to see or saw a dentist or that his teeth were examined by Dr. Hynick in the 257 days between his first complaint of pain and his release on May 29, 2007.

Inmate 61. *[Multiple (4) courses of antibiotics for dental problem; Delayed access to a dentist – 146 days; Dr. Hynick's failure to examine patient].*

- On October 19, 2006, the inmate submitted the following request slip to the Medical Department: "I have a bad tooth ache. I need to see a dentist."
- A note in the inmate's clinical record, dated October 21st, reflects that he saw a nurse that day. The note states: "Seen in medical office [with] c/o [left] lower dental pain &

discomfort. Gumline red [with] edema noted. VO Dr. Hynick to start PVK 500 mg TID [three times a day] x 7 days [plus] Ibuprofen 600 mg TID x 7 days. Will monitor."

- A November 15th clinical note documents that the inmate saw a nurse that day for lower left dental pain; that the nurse again observed a red gum line and edema; and that Hynick verbally ordered another 7 day course of Penicillin and Ibuprofen.
- On December 22nd, the inmate wrote in a request slip: *"Can I get my tooth checked upon. I been having a tooth ache since about September. It is very, very bothering."*
- That request was followed by another on December 28th when the inmate wrote: *"I would like to know what is going on with me seeing a dentist because my tooth [ache] is getting worse. Please get back to me and let me know what is going on."*
- The next day, he submitted another request slip to the Medical Department that stated: *"I am having a lot of problems with my tooth. I am seeking help about this pain. I have been put on hold since late Sept early Oct. This is a constint [sic] pain and I would appreciate some medical assistance."*
- The inmate saw a nurse on December 29th with the same complaint of lower left dental pain. After the nurse made the same observations about there being redness on the gum line and edema, the inmate was started on another 7 day course of Penicillin and Ibuprofen pursuant to Dr. Hynick's verbal order.
- Two and a half months later – on March 14, 2007 – Dr. Ficken extracted tooth #16 after concluding that the tooth was decayed and non-restorable. His diagnosis was *"pulpitis"*.
- There is no documentation in the inmate's record that Dr. Hynick ever examined the inmate's teeth.

Inmate 62. *[Denial of access to a dentist – 130 days without dental treatment; Dr. Hynick's failure to examine patient].*

- On October 22, 2006, the inmate submitted a request to the Medical Department, stating: *"A filling just fell out & there's a nerve showing & I'm in 'lots of pain.' The tooth needs [to be] pulled."*
- An undated, unsigned notation on the bottom of the slip [apparently from a nurse] said: *"[H]as an attitude that he needs to go now!!"*
- An October 23rd nurse's note reported: *"Seen--demands to have rotten teeth pulled ASAP. [H]as multiple rotten teeth, [upper] molar [more] than ½ tooth is gone. Temp filling given to cover 'nerve' of tooth."*
- The note related that Dr. Hynick verbally ordered 500 mg of Penicillin and 600 mg of Motrin three 3 a day for 10 days and a temporary filling, as necessary.
- There is no indication in the medical records that the inmate was scheduled to see or saw a dentist for these problems.
- Nor is there any evidence that Dr. Hynick ever examined his teeth before his release on March 1, 2007.

Inmate 67. *[Multiple (3) courses of antibiotics for a dental problem; Denied access to a dentist – 99 days without dental treatment; Dr. Hynick's failure to examine patient].*

- On June 15, 2006, the inmate was seen by a Prison nurse with a complaint of lower left dental pain. The nurse noted edema on the left side of his face. Dr. Hynick verbally ordered 500 mg of Keflex and 600 mg of Ibuprofen 3 times a day for 7 days.
- The same scenario occurred on October 11, 2006 (the nurse also noted red along the gum line that time) and on January 3, 2007 (when a red gum line and edema were also noted).
- There is no documentation in the medical records that Dr. Hynick examined the inmate's teeth or that he was ever scheduled to see or saw a dentist.

Inmate 70. *Multiple (2) courses of antibiotics for a dental problem; Denial of dental treatment – 85 days without dental treatment; Dr. Hynick's failure to examine patient].*

- The inmate was re-committed to NCP on September 22, 2006.
- On October 11, 2006, the inmate was seen in the Medical Office for a complaint of lower left dental pain. The nurse described the gum line as red and noted edema. Dr. Hynick verbally ordered 500 mg of Keflex twice a day and 600 mg of Ibuprofen 3 times a day for 7 days.
- The scenario was repeated on December 1st.
- There are no indications in the inmate's medical records that she was scheduled to see or saw a dentist; nor is there any reference to Dr. Hynick's examining her teeth before her release on January 4, 2007.

Inmate 71. *[Multiple (5) courses of antibiotics for a dental problem; Delay (77 days) / denial (83 days without dental treatment) of access to a dentist; Dr. Hynick's failure to examine patient].*

- When the inmate was admitted to the Prison on August 23, 2006, the booking questionnaire noted "Dental Problems" and the nurse's intake screening form documented: "Bad Teeth."
- A September 5th clinical note reported that inmate was seen that day by a nurse for lower left dental pain. His gum line was described as red, with edema. Dr. Hynick verbally ordered that the inmate be given 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day, for 7 days.
- A September 12th clinical note reported that the dental abscess was "not completely healed" and that Dr. Hynick verbally ordered that the Penicillin and Ibuprofen be continued for three more days.
- On September 15th, Dr. Hynick verbally ordered to start inmate on a 7 day course of 250 mg Amoxicillin and 600 mg of Ibuprofen 3 times a day for 7 days.

- The inmate was seen again by a nurse on October 30th for a complaint of upper left dental pain. His gum line was red and edema was noted. Dr. Hynick verbally ordered 250 mg of Amoxicillin and 600 mg of Ibuprofen 3 times a day, for 7 days.
- On November 8th, (three months after the inmate was first seen for the dental problems), Dr. Ficken extracted tooth #31, which he described as "*broken*" and "*non-restorable*."
- On December 8, 2006, the inmate was seen for a complaint of lower left dental pain. The nurse noted redness along the gum line and edema. Dr. Hynick verbally ordered 250 mg of Amoxicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- That scenario was repeated on February 1, 2007 (the same complaint, observations and prescription).
- The next clinical note, dated March 1, 2007, stated that the inmate had been released that day to the State prison system.
- There are two nurse's notes that the abscess was not responding to the antibiotic therapy. Notwithstanding this, there is no indication in the medical records that Dr. Hynick ever examined the inmate's teeth.

Inmate 72. [*Multiple (2) courses of antibiotics for a dental problem; Denied access to a dentist – 327 days without dental treatment; Charting irregularity; Dr. Hynick's failure to examine patient*].

- The inmate was admitted on February 27, 2006.
- On March 6, 2006, she submitted the following request slip to the Medical Department: "*I have a tooth that's infected and needs to be pulled [...] It hurts very bad. Can I please be seen about it.*"
- The March 6th request was followed by a March 10th request to the Medical Department four days later. The second request slip read: "*Can I please be seen about my tooth. I'm in a lot of pain and it's infected badly.*"
- An undated nurse's note in the inmate's clinical chart reported that the inmate was seen for a complaint of a toothache on her lower right side, that the gum area behind the last molar was reddened, that the second molar was decayed, and that Dr. Hynick verbally ordered 500 mg of Penicillin twice a day for 10 days.
- The inmate submitted another request to the Medical Department on May 30th. She wrote: "*I need to get a tooth pulled. Can I please see a dentist.*" An unsigned, undated notation on the request slip [presumably by the nurse] stated: "*Aware – PCN/PRN.*"
- The inmate submitted another request on June 4th, stating: "*Can I please see a dentist. My wisdom tooth needs to be pulled. It is chipped and hurts really bad.*"
- On June 5th, the inmate was seen by a nurse for a toothache on the lower right side. The nurse observed a decayed molar and Dr. Hynick verbally ordered another 10 day course of 500 mg of Penicillin for 10 days.

- There is no indication in the inmate's medical record that she was scheduled to see or saw a dentist for these problems; nor is there any indication that Dr. Hynick examined her teeth before her release on January 27, 2007.

Inmate 79. *[Multiple (4) courses of antibiotics for a dental problem; Delayed access to a dentist – 69 days without dental treatment; Dr. Hynick's failure to examine patient; Charting irregularities].*

- On December 28, 2006, the inmate wrote in a request to the Medical Department: *"I really need to see the dentist about my tooth. It is split in half and the pain has been gradually getting worse. It's starting to hurt very bad. I put some kind of filler putty the nurse gave me and it didn't help. It made it hurt worse. Please can I have it looked at, can get some ambesol? Thank you for your help."*
- On January 2, 2007, the inmate was seen by a nurse for pain along the lower left gum line. After observing that the gum was red/with edema, the nurse received a verbal order from Dr. Hynick to start him on a 7 day course of 500 mg of Keflex and 600 mg of Ibuprofen, 3 times a day.
- On January 3rd, the inmate submitted another request to the Medical Department in which he wrote: *"I would like to know if and when I was placed on the list to see the dentist. It's s so bad that I haven't slept last night or more than 2 ½ hours in the past 2 days [,] going on 3. I take pain medication if you can even call it that. It's not really doing much. Can I please see the dentist as soon as possible. . ."* A notation on the request slip stated that the inmate was *"currently on meds for dental pain."*
- On January 4th, the inmate submitted another request to the Medical Department, complaining that the pain was preventing him from sleeping and asking whether he could receive *"stronger pain medication because the stuff you give me now is not working."*
- The inmate saw a nurse on January 8th. The nurse started him on a 10 day course of Darvocet (pursuant to Dr. Hynick's verbal order) and informed him that he was scheduled to see Dr. Ficken on February 14th (the "soonest apt. available according to a notation on the January 4th request slip).
- Two weeks later, on January 22nd, the inmate complained again to a nurse about lower left dental pain. The nurse confirmed that the gum line was red, saw edema, and reportedly received Dr. Hynick's verbal order for a 7 day course of Keflex and Ibuprofen.
- Dr. Hynick did not later sign or initial the note referring to his verbal order.
- On February 9th, another course of Keflex and Ibuprofen was reportedly ordered by Dr. Hynick. Dr. Hynick did not sign or initial that note either.
- Another course of Keflex/Ibuprofen was verbally ordered by Hynick on March 1st for lower left dental pain.
- On March 7, 2007, Dr. Ficken found an abscess on tooth #14 and extracted it.
- There is no indication in the medical records that Dr. Hynick ever examined the inmate's teeth.

Inmate 80. *[Denial of access to a dentist – 127 days without dental treatment; Prescribing antibiotics in the absence of clinical signs of infection; Dr. Hynick's failure to examine patient; Failure to provide analgesics to patient in pain].*

- On July 24, 2006, the inmate requested (*inter alia*) "to see the dentist for I have had a toothache for 2 weeks and can not chew any food [*sic*] and I also told NURSE [*sic*] and was put on a list but this does not solve or cure ache".
- The inmate was seen by the nurse 7/25/2006 complaining of "toothache with no swelling or redness of gums. Possible [*sic*] # 5 #6 #7 teeth are broke off [*sic*]".
- Per verbal order from Dr. Hynick, inmate started on PCN 500mg TID x 7 days (order initialed by Dr. Hynick on 7/26).
- No analgesic was ordered despite the fact that inmate presented with "toothache" (order initialed by Dr. Hynick on 7/26).
- There is no evidence that Dr. Hynick ever examined the inmate.

Inmate 83. *[Multiple (2) courses of antibiotics for dental problems; Prescribing antibiotic with no documented clinical indication; Denial of access to a dentist – 102 days without dental treatment; Dr. Hynick's failure to examine patient].*

- A nurse's clinical note reported that on October 19, 2006, the inmate was seen with a complaint of a toothache and that Dr. Hynick verbally ordered 500 mg of Penicillin and 600 mg of Motrin 3 times a day, for 10 days.
- There was no clinical indication of infection; yet Dr. Hynick prescribed an antibiotic.
- Three weeks later, on November 11, 2006, inmate wrote: "Can you please call me out. I am haveing [*sic*] pain in my teeth and I also think I have an ear infection".
- The next day, Dr. Hynick prescribed another 10 day course of 500 mg of Penicillin and 600 mg of Motrin, 3 times a day.
- There are no indications in the medical records that the inmate was saw or was scheduled to see a dentist.
- Nor is there any indication that Dr. Hynick ever examined the inmate's teeth before his release on December 8, 2006.

Inmate 89. *[Multiple courses (3) of antibiotics for dental problem; Denial of access to a dentist – 21 days without dental treatment].*

- Inmate was admitted to the Prison on August 28, 2006 and was released on September 22, 2006.
- A September 1st nurse's note reflects that the inmate was seen in the Prison's Medical Office that day with a complaint of lower left dental pain. The nurse described the gum line as "*red [with] edema noted.*" Dr. Hynick verbally ordered that the inmate receive 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.

- On September 11th, the inmate submitted the following request to the Medical Department: *"I stopped taking my antibiotics this past Friday. Now my whole left side is swollen & hurts extremely bad. Can you please see me."*
- A nurse's note shows that she was seen that day and that there was *"swelling on the [left side of her face."* Dr. Hynick verbally ordered that the inmate be given an injection of Ceftriaxone immediately and started on a course of 500 mg of Amoxicillin 3 times a day for 7 days.
- The next day, Dr. Hynick checked the dental abscess, noting a *"swollen area"* along the mandible.
- The MAR reflects that the course of Amoxicillin was completed on September 18, 2006.
- There is no documentation in the medical record that the inmate was ever referred to or saw a dentist.

Inmate 90. *[Denial of access to a dentist – 35 days without dental treatment; Dr. Hynick's failure to examine patient].*

- The inmate was admitted to the Prison on December 11, 2006.
- In a January 3, 2007 request, the inmate told the Medical Department: *"My wisdom teeth on top are still really hurting me[.] [T]hey are all rotten and broken and sharp[.] Therefore it cuts my tongue and then that hurts too. Anyways could you please take a look at them."*
- She complained again on January 5th about her wisdom teeth *"really hurting"* and on January 7th reported that her gums were *"still really bad"* and sometimes *"I can barely eat."*
- The inmate was seen by a nurse on January 8th for the dental problem as well as for recurring ear pain.
- Dr. Hynick prescribed ear drops and 600 mg of Ibuprofen 3 times a day for 7 days.
- On January 9th, the inmate was seen by another nurse who concluded that the teeth didn't look too bad and that the inmate could have over the counter pain medication, as needed.
- On January 15th, the inmate complained about her mouth and tongue being sore.
- On January 19th the inmate asked for a cup of triple antibiotic ointment.
- She was released from the Prison on February 7, 2007.

Inmate 92. *[Multiple (2) courses of antibiotics for a dental problem; Denial of access to a dentist – 205 days without dental treatment; Dr. Hynick's failure to examine patient; Prescribing antibiotics without documented signs of infection].*

- In a November 23, 2004 request, the inmate informed the Prison's Medical Department that he had a toothache for more than a week and would like to have it taken care of. An unsigned undated notation on the bottom of the slip stated: *"Pre dental –PVK/Motrin."*

- There is no clinical note in the inmate's medical chart indicating who examined his tooth or who prescribed the Penicillin; however, the MAR reflects that the inmate received 500 mg of Penicillin and 400 mg of Motrin twice a day, for 5 days, beginning on November 26th and ending on the 30th.
- On December 1st, Dr. Hynick verbally ordered a 7 day course of 500 mg of Penicillin and 600 mg of Ibuprofen, 3 times a day.
- There is no documentation in the inmate's medical record that he was scheduled to see or saw a dentist.
- There is no indication that Dr. Hynick examined the inmate's teeth before his release on April 19, 2005.

Inmate 93. *[Delay in provision of medication; Multiple (3) courses of antibiotics for a dental problem; Nurse's unilaterally ordering medication and/or medication charting irregularity; Delayed access to a dentist – 324 days untreated].*

- The inmate was admitted to NCP on November 18, 2005.
- On March 20, 2006, the inmate was seen by a nurse for a toothache from a broken tooth. The nurse reported that Dr. Hynick verbally ordered a 10 day course of Penicillin (500 mg twice a day).
- The inmate received Penicillin for 3 days (ending on March 23rd, the day of his release from the Prison).
- The inmate was recommitted on March 31, 2006.
- A June 6th nurse's note reported that decay of the inmates' lower right molar was causing his jaw to swell. He received 500 mg of Penicillin starting on June 7th.
- The inmate's dental abscess was examined by Dr. Hynick on June 6th.
- A June 15th nurse's note reported "slight edema & redness to gumline." The note stated: "Will continue PVK 500 mg TID x 3 days to complete a 10 day course."
- There is no reference in the note to Dr. Hynick's ordering the additional 3 days of Penicillin.
- A June 22nd nurse's note reported: "Dental abcess [sic] not completely resolved. Continue PVK 500 mg TID x 3 days."
- There is no reference in the note to Dr. Hynick ordering the additional 3 days of Penicillin.
- Dr. Hynick did not later sign or initial the note.
- The June 22nd note also reported that a dental appointment had been scheduled for the inmate for July 26th - more than a month away.
- There are no dental records in the record related to the scheduled appointment; nor are there any invoices from Dr. Ficken indicating that he treated the inmate before his release on April 26, 2007.

Inmate 96. *[Delayed access to a dentist – 98 days; Dr. Hynick's failure to examine patient].*

- The inmate submitted a request slip to the Prison's Medical Department on February 8, 2006, stating: *"I have a busted tooth and I am haveing [sic] problems. Could something be done. 2 of them broke on Feb-9-06."*
- The next day, the inmate submitted a On February 10th, a Prison nurse saw the inmate; noted that he had *"rotten molar teeth"* on his lower left jaw and that his gums were red/swollen; and received verbal orders from Dr. Hynick to start him on 500 mg of Penicillin twice a day for 10 days and to schedule a dental appointment.
- The inmate submitted a request slip to the Medical Department, stating: *"I am haveing [sic] problems with my teeth that broke of [sic][.] You have me on penacillen [sic]. They are causeing [sic] a lot of pain[.] Could I see the doctor. On the left side of my upper jaw I'm having [sic] problems eating!"*
- A nurse's note on April 6th reported that Dr. Ficken's office was telephoned and that an appointment for the inmate was scheduled for May 17th – more than five weeks away.
- There is no indication in the inmate's medical record that Dr. Hynick examined his teeth in the interim [or at any point previously].
- On May 17th, Dr. Ficken extracted tooth # 16 (which had "large cavities" and an abscess) and filled tooth # 14 (which was fractured).

Inmate 103. *[Multiple courses (8) of antibiotics for a dental problem; Prescribing antibiotics when clinical data do not indicate infection; Failure to order analgesics for patient in pain; Delayed access to a dentist – 205 days and, subsequently, denied access to a dentist – 242 days without dental treatment; Dr. Hynick's failure to examine patient].*

- On February 28, 2005, the inmate submitted the following request to the Prison's Medical Department: *"I need to see a dentist or someone. I can't stand the pain in my tooth. I can't eat on my left side. Can you please help soon."*
- The inmate was seen by a nurse on March 1st and Dr. Hynick verbally ordered 500 mg of Penicillin and 600 mg of Motrin twice a day for five days [for a right chipped tooth].
- On April 15, 2005, the inmate complained to a nurse again about dental pain related to the chipped tooth and Hynick verbally ordered a course of 500 mg of Penicillin twice a day for 7 days.
- No analgesic was ordered despite the inmate's complaining of pain.
- On May 11th, the inmate wrote the following to the Medical Department: *"Could you please see me about my tooth. It is getting bad. I have pain up into my left ear[.] [I]t is bad!"*
- On May 12th, Dr. Hynick ordered another course of Penicillin for 7 days. (A clinical note stated that the tooth appeared to be intact and that the inmate refused to have it extracted).
- Again, no analgesic was ordered despite inmate complaining of pain.

- On June 7th, the inmate wrote in a request slip to the department: *"Can I please have something for my Tooth? It really hurts. I don't have money to pay for Ibuprofen all the time."*
- There was no clinical note was associated with the June 7th request slip.
- On August 7th, he wrote: *"Could you please do something for my tooth. I got pain up into my ear from my tooth."*
- On August 24th, he was seen by a nurse who noted his chipped tooth. Dr. Hynick verbally ordered 500 mg of Penicillin twice a day for Medical Department more days.
- Again, no analgesic was ordered despite the inmate's complaining of pain.
- On September 21, 2005, the inmate was sent to Dr. Ficken. Dr. Ficken extracted the tooth (noting large cavities and an abscess).
- There is no indication in the medical records that Dr. Hynick ever examined the inmate's teeth.
- Beginning in July of 2006 (during another incarceration), the inmate was seen by nurses with complaints of dental pain.
- On July 2nd, the inmate submitted the following request to the Medical Department: *"Could you please call me out to see me. My teeth are giving me problems. They hurt very bad. I was wondering if you could put me on an antibiotic or something As Soon as Possible. The ibuprofen gets expensive."*
- On July 4th, he was seen by a nurse for upper right side and lower left side pain. The nurse described the gum lines as red and noted edema. Dr. Hynick verbally ordered 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- The inmate saw a nurse on July 29th of 2006 with a complaint of a toothache. The nurse noted a decayed tooth on the lower right gum line. Dr. Hynick verbally ordered 500 mg of Penicillin twice a day for 10 days.
- On September 21st he submitted a request form: *"May I please be put on an antibiotic and Ibuprofen for my teeth. They hurt really bad."*
- On September 24th, the inmate was seen by a nurse who noted, *"has decay tooth [lower] (R) gum line."* Dr. Hynick verbally ordered 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- On November 13th, Dr. Hynick verbally ordered 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days for lower right dental pain (redness and edema noted by the nurse).
- In a request to the Medical Department, the inmate wrote to a nurse: *"Could you please see me or put me on some medication for my teeth? My teeth hurt so bad. My ear hurts also cause of my teeth. It's hard to fall asleep. I've been taking Motrin and putting Anbesol on my teeth[,] it doesn't touch the pain. Can you please help me As soon as possible."*

- On December 4th (after the nurse noted redness and edema), Dr. Hynick verbally ordered 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days for lower right dental pain.
- On January 25, 2007 Dr. Hynick ordered another course of Penicillin and Ibuprofen for lower right dental pain [redness and edema noted by the nurse]. The nurse's note states that a dental appointment was scheduled with Dr. Ficken on 2/14/2007; however, there is no indication in the record that the appointment ever occurred.
- There is no indication in the inmate's medical records that he saw a dentist during this seven month period.
- There is also no indication that Dr. Hynick examined the inmate's teeth before his release on March 1, 2007.

Inmate 106. *[Dr. Hynick's failure to examine patient before prescribing antibiotics].*

- The inmate was seen by a nurse on October 23, 2006 with a complaint of lower right dental pain. The nurse noted redness and edema. Dr. Hynick verbally ordered Penicillin 500 mg and 400 mg of Ibuprofen 3 times a day for 7 days. A dental appointment with Dr. Ficken was scheduled for November.
- Later, on October 23, 2006, the inmate was seen again by the nurse (who noted increased edema on the right side of his face and a complaint of increased pain and tenderness). Inmate was given an intramuscular injection Ceftriaxone pursuant to a verbal order from Dr. Hynick.
- Dr. Hynick examined inmate on October 24th and noted that the right mandibular area was swollen and that the inmate was complaining about increased pain.
- On October 31st, another course of Penicillin and Ibuprofen was ordered, pending the dental appointment scheduled for the following week.
- The inmate was treated by Dr. Ficken on November 8th who reported that the inmate had several cavities, abscessed teeth, a swollen right mandible, and teeth # 27, 28, 29, and 30 were extracted.
- The inmate returned to Dr. Ficken's office a few days later to address a post-operative complication.

• **Inmate 109.** *[Multiple (9) courses of antibiotics for a dental problems; Delayed access to a dentist – 65 days waiting for treatment for one episode and 65 days without dental treatment for another; Denial of access to an oral surgeon; Dr. Hynick's delayed examination of patient; Charting irregularities and/or nurse's unilaterally prescribing medication].*

- On September 11, 2006, the inmate was seen by a nurse with a complaint of a toothache (upper left molar). The inmate reported that the tooth was sensitive to hot/cold liquids. The nurse saw no decay, but speculated that there might be a cavity and contacted Dr. Hynick who ordered a 10 day course of 500 mg of Penicillin and 600 mg of Motrin 3 times a day for 10 days.

- On September 24th, the inmate submitted a request slip to the Medical Department complaining that *"my tooth is really hurting me and I need to get it pulled."*
- The inmate was seen by a nurse two days later. The nurse's clinical note stated that Dr. Hynick verbally ordered a 15 day course of 500 mg of Penicillin and 600 mg of Motrin twice a day; however, Dr. Hynick did not sign or initial the purported order.
- On November 5th, he wrote: *"I need to see the doctor. My pain in the teeth that need pulled has become unbearable. Please add me to the sick call list to see the doctor as soon as possible."* A handwritten notation on the bottom of the request slip noted that he was currently on Penicillin and Motrin.
- The inmate was seen the next day by a nurse who reported he was complaining about upper left dental pain (she observed redness on his gum line and edema). Dr. Hynick verbally ordered a course of 500 mg of Penicillin and 600 mg of Ibuprofen for 10 days, 3 times a day. The nurse's note documenting the November 6th encounter stated that a dental appointment was scheduled with Dr. Ficken for November 15th.
- Dr. Ficken saw the inmate on November 15th. He reported to the Prison's Medical Department that he extracted tooth # 16 (which had an abscess) and that the inmate *"needs to see an oral surgeon for ext [of] 1, 17, 32[.]"*
- A nurse's clinical note the following day reported that Dr. Ficken extracted tooth # 16 and that Dr. Hynick prescribed 600 mg of Ibuprofen for the post-extraction pain 3 times a day for 5 days. The note made no reference, however, to Dr. Ficken's report that Anderson needed to see an oral surgeon for extraction of the other teeth.
- There is no indication in the inmate's medical records that the Prison's Medical Department made any effort to schedule an appointment for the inmate with an oral surgeon per Dr. Ficken's November 15th recommendation.
- On November 17th, the inmate saw an NCP nurse with a complaint of pain and facial swelling. Dr. Hynick verbally ordered that he receive 500 mg of Penicillin 3 times a day for 7 days in addition to the Ibuprofen prescribed by him the day before.
- On November 19th inmate submitted the following request to the Medical Department: *"I would like to see a doctor. Why I'm in serious pain. I been requesting to see a doctor for weeks. I just want to speak with a doctor as soon as possible."*
- The inmate was seen by the nurse on November 22nd. The clinical note of that encounter reported that Anderson was having difficulty sleeping and eating due to post-extraction pain. Dr. Hynick verbally ordered that Anderson be given Darvocet N 100, 3 times a day for four days. The nurse stated that she would monitor and review on November 27th.
- On November 26th, the inmate submitted a request to that Medical Department, stating: *"I'm writing this request slip to see the medical doctor. I'm having some serious pain in my mouth due to a pulled tooth and teeth that need worked on. I can't chew. . ."*
- The inmate saw a nurse the next day and another course of Darvocet N 100, 3 times a day, was verbally ordered by Dr. Hynick – this time for 7 days

- A nurse's note on December 2nd reported that the inmate was seen at the medication line complaining of "*dental discomfort[.]*" The note stated that there was no swelling on the left side of his face/cheek.
- On the morning of December 3rd, the inmate submitted a request slip to the Medical Department in which he complained that he was still feeling "*serious pain*"; that he still hadn't seen a medical doctor or had his mouth checked after complaining about the problem he was having opening his mouth and chewing; and that the pill he was receiving was not helping any more due to "*additional pain from other teeth*."
- The inmate also submitted a request to the Deputy Warden alleging that he was "*being denied some serious medical treatment that is needed*" and requesting grievance forms. A handwritten notation on the request slip from the Deputy Warden asked: "*Anne, what is this about?*"
- A nurse's clinical note later that day reported that the inmate had missed the third medication line that day because he wasn't awake and standing at his cell door.
- On December 6th, the inmate submitted a request slip to the Medical Department—directed to: "*Medical Doctor*." In the request, Anderson stated that he had been sending requests and complaining to nurses about mouth pain; that his teeth needed to be worked on; and that he was having difficulty opening his mouth without bleeding occurring.
- The inmate was seen by a nurse on December 19th with a complaint that his dental pain had not been resolved by Tylenol 3 (the Tylenol 3 order ended on December 18th). The clinical note related to that encounter reported: "*Inmate states the pain stopped when on the Tylenol #3 [Tylenol 300 mg with 30 mg codeine] but returned when the medication ended.*" It also reported that Dr. Hynick verbally ordered a 10 day course of Tylenol #3 3 times a day and 650 mg of Tylenol 3 times a day. The purported order was not later signed or initialed by Dr. Hynick.
- The next day, December 20th, the inmate was sent to Dr. Ficken but he refused to have tooth #1 extracted. (Note: His request slips had accused Dr. Ficken of malpractice. He obviously had no confidence in him. Tooth #1 was one of several teeth that Dr. Ficken had recommended to be removed by an oral surgeon) Dr. Ficken diagnosed acute pulpitis in teeth 1, 17, and 32.
- On December 29th, the inmate was seen by an NCP nurse with a complaint of dental pain. Dr. Hynick ordered a 10 day course of Ultram (50 mg 3 times a day).
- On January 8, 2008, the inmate was seen by an NCP nurse, still complaining about dental pain. The nurse wrote in a clinical note that the inmate would continue receiving 50 mg of Ultram 3 times a day until he could be evaluated by Dr. Hynick. Dr. Hynick neither signed nor initialed the note.
- Over the next few days, an NCP nurse reported in clinical notes that the inmate had no difficulty yelling and talking to other inmates or eating – implying that he was, therefore, not experiencing pain.

- Dr. Hynick finally evaluated the inmate on January 17th. He heard the inmate's complaint of a toothache; found that a lower molar had a missing filling; reported seeing no edema; and prescribed 500 mg of Penicillin 3 times a day for 5 days, Tylenol #3, 3 times a day for 3 days, and Anbesol topically, 3 times a day.
- On January 20th, a nurse noted that security staff told her that the inmate was not complaining of discomfort from his teeth, ate lunch without difficulty, and was out in population involved in activities.
- On January 31, 2007, the inmate asked in a request slip addressed to the Medical Department to see Dr. Hynick due to continuous pain he was having with his teeth.
- There is no indication in the medical record that this request was responded to or that he had any further clinical contact with the Medical Department regarding his teeth after its submission.
- The inmate was incarcerated until January 22, 2008.

Inmate 117. *[Multiple (5) courses of antibiotics for a dental problem; Delayed access to a dentist – 108 days; Dr. Hynick's failure to examine patient; Failure to order analgesic for patient in pain; Charting irregularity].*

- The inmate was seen by an NCP nurse on April 9, 2006 for a toothache. Dr. Hynick verbally ordered 500 mg of Penicillin twice a day for 10 days.
- On April 19th, the inmate informed the Medical Department in a request slip that the medication was not "*doing anything for the pain.*"
- On April 24th, in another request slip, the inmate told the Medical Department that he had "*about four rotten [sic] teeth*" and that one tooth was hurting all of the time, making it difficult to sleep.
- He saw a nurse on April 29th. In a clinical note, the nurse documented that the inmate, indeed, had "*4 rotten teeth[.]*" Dr. Hynick verbally ordered another 10 day course of 500 mg of Penicillin.
- On June 10th, the inmate submitted a request slip to the Medical Department in which he stated: "*I need to have something done with my one tooth. I've put in a few request slips[.] You put me on the list for the denist [sic] to pull one of them out[.] Its getting worse everyday[.] It's hard to even to get any sleep[.] So if I could have it pulled ASAP that would be great because I still have 11 ½ months to go[.] I can't deal with it that long.*"
- The inmate saw the nurse on June 20th – complaining about a toothache. The nurse reported in a clinical entry that Dr. Hynick verbally ordered 500 mg of Penicillin for 10 days and that the inmate was being referred to Dr. Ficken. Dr. Hynick neither signed nor initialed the purported medication order.
- The inmate saw Dr. Ficken five weeks later (on July 26th). Dr. Ficken found the following: "*Multiple cavities, non restorable teeth[.] [lower right] jaw swelling[.] rt has other non-restorable teeth[.]*" He diagnosed "*dental abscesses teeth # 18, 29, 30*" and extracted all three.

- On December 21st, the inmate stated the following in a request to the Medical Department: *"I'm still having problems with my teeth so bad everyday I can't even sleep at night. I already had three pulled about four or five months ago[.] I have another two more that I'd like to have pulled ASAP."*
- A December 22nd clinical note reflects that the inmate was seen that day by a nurse who reported that the inmate *"has a rotten molar"* at the lower left gum line and that Hynick verbally prescribed a 10 day course of 500 mg of Penicillin and 600 mg of Motrin twice a day.
- The inmate submitted another request slip to the Medical Department on January 22, 2007. He wrote: *"I would please like to be put back on my medication for my toothache[.] [I]t has been hurting again lately. I would [like] to know if I'm still on the list for the dentist?"*
- A clinical note on January 23rd reported that the inmate was seen that day for a toothache. The nurse reiterated that he had a *"rotten"* lower molar at the gum line. Dr. Hynick verbally ordered 500 mg of Penicillin twice a day for 10 days.
- A month later, in a February 23th request to the Medical Department, the inmate wrote: *"I was supposed to be on the list for the dentist for February. It's almost over[.] I'm having problems every day[.] I can't sleep some nights[.]"*
- A nurse wrote on the bottom of the request slip that the dentist had cancelled appointments February appointments due to the weather and that new appointments were rescheduled for March.
- Two episodes of continual pain; 108 days (4/9/2006 to 7/26/2006) and 77 days (1/23/2006 to 3/9/2007).
- There is no indication in the inmate's medical record that he saw Dr. Ficken in March.
- There is no documentation in the record that Dr. Hynick ever examined the inmate's teeth before his release on March 9, 2007.

Inmate 118. *[Multiple (6) courses of antibiotics for a dental problem; Failure to refer to a dentist – 113 days without dental treatment; Dr. Hynick's failure to examine patient].*

- On January 10, 2006, the inmate saw an NCP nurse for a toothache. The nurse reported a decayed tooth in his upper right jaw and a red and swollen gum line. Dr. Hynick verbally ordered 500 mg of Penicillin and 600 mg of Motrin twice a day for 7 days.
- A January 11th nurse's note reported that the inmate's face was swelling and that Dr. Hynick verbally ordered 500 mg of Penicillin, 3 times a day. The note did not indicate how long the Penicillin was supposed to be given.
- Dr. Hynick examined the inmate on January 13th (after a nurse reported swelling that day on the right side of his face and neck and a guard reported facial swelling as well as his complaint of hearing loss). Dr. Hynick prescribed Darvocet N-100, 3 times a day for 7 days.

- The inmate was transferred to another county jail on February 1, 2006.
- On a Transfer Health Sheet provided to that facility, an NCP nurse wrote: "*Needs dental appt.*"
- He was re-committed to the Prison on September 21, 2007.
- During his 2007 confinement, the inmate was seen by a nurse on November 8th with a complaint of lower left dental pain. The nurse, who observed redness and edema noted on gum line, received Dr. Hynick's verbal order to give the inmate 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- On November 27th, the inmate was seen by a nurse for upper right dental pain (redness and edema noted on gum line). Dr. Hynick verbally ordered the same medication regimen as he had prescribed three weeks earlier.
- The inmate was seen by a nurse on December 17th for upper left dental pain. Dr. Hynick verbally ordered another 7 day course of Penicillin and Ibuprofen.
- He was seen again on January 28, 2008 for upper left dental pain for which a 7 day course of Penicillin and Ibuprofen was verbally ordered by Dr. Hynick. He was seen yet again on February 11th with the same complaint – for which Dr. Hynick verbally ordered another 7 day course of antibiotics.
- There is no indication in the medical records that Dr. Hynick examined the inmate's teeth during the 2007/2008 incarceration.
- In his recommitment (after 9/21/07) the inmate was in continual pain from 11/27/07 (his first complaint of dental pain) to at least 2/11/08 (the last entry in the chart); a period of 76 days.
- There is no indication in the records that the inmate was referred to or saw a dentist during either of his confinements.

Inmate 121. *[Multiple (3) courses of antibiotics for a dental problem; Delayed access to a dentist – 74 days; Dr. Hynick's failure to examine patient].*

- The inmate saw a nurse on January 11, 2008 for lower left dental pain. After observing redness on the gum and edema, the nurse received Dr. Hynick's verbal order that the inmate be given 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day, for 7 days.
- The same scenario occurred on February 5th and, later, on February 14th (although on those occasions, the nurse also reported seeing edema on the left side of the inmate's face).
- On March 26th (more than two months after the inmate initially complained to the Medical Department about a toothache and after three courses of antibiotics), Dr. Ficken extracted tooth #19.
- From the initiation of treatment for his dental infection on 1/11/08 to Dr. Ficken's extraction of the infected tooth on 3/26/08, the inmate was in continual pain for 75 days.

- There is no evidence in the medical record that Dr. Hynick ever examined the inmate's teeth.

Inmate 122. *[Multiple (4) courses of antibiotics for a dental problem; Denial of access to a dentist – 70 days without dental treatment; Dr. Hynick's failure to examine patient].*

- The inmate was seen by a nurse on January 16, 2008 with complaints of dental pain on both the upper and lower left side of her mouth. The nurse noted a red gum line and edema. Dr. Hynick verbally ordered 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- On February 1st, she complained about dental pain on her upper left side (redness and edema were noted by the nurse). Dr. Hynick verbally prescribed another course of Penicillin for 7 days.
- This scenario was repeated on February 20th and March 14th.
- The inmate was released from the Prison on March 26, 2008.
- There are no indications in the inmate's medical records that she was scheduled to see or saw a dentist or that she was examined by Dr. Hynick.

• **Inmate 125.** *[Multiple (4) courses of antibiotics for a dental problem; Delay in referring patient to dentist – 90 days; Dr. Hynick's failure to examine patient].*

- The inmate was seen by an NCP nurse on June 26, 2008 with a complaint of lower left dental pain - a red gum line and edema were noted by the nurse. Dr. Hynick verbally ordered 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- Another 7 day course of Penicillin and Ibuprofen was verbally ordered by Dr. Hynick on August 18th.
- A 3 day course of Penicillin was verbally ordered by Dr. Hynick on August 25th (the abscess not completely resolved because inmate had missed a few Penicillin doses) from the August 18 course.
- Another 7 day course of Penicillin and Ibuprofen was verbally ordered by Dr. Hynick on September 10th.
- A nurse's clinical note that day reported that the inmate would be placed on the dentist's list.
- The inmate did not see the dentist prior to his release from the Prison 90 days later –on September 26, 2008.
- There is no indication in the medical record that Dr. Hynick ever examined the inmate's teeth.

Inmate 127. *[Multiple (5) courses of antibiotics for a dental problem; Nurse prescribing medication; Denial of access to a dentist – 308 days without dental treatment; Dr. Hynick's failure to examine patient].*

- The inmate was seen by an NCP nurse on July 31, 2006 for a complaint of upper right dental pain. The nurse noted redness and edema. The nurse (without indicating in the clinical note that she received a verbal order from Dr. Hynick) started the inmate on 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- The inmate was seen again by the nurse on September 8, 2006 – this time for upper left dental pain. The nurse noted redness and edema at the gum line. Dr. Hynick verbally ordered another 7 day course of Penicillin and Ibuprofen.
- The inmate was seen by the nurse on January 26, 2007 for lower left dental pain. During that encounter, the nurse saw redness and edema at the gum line. Dr. Hynick verbally ordered that he be given Penicillin and Ibuprofen for 7 days.
- This scenario was repeated on February 14, 2007 (for lower left dental pain) and on May 30, 2007 (for upper right dental pain).
- There is no indication in the medical record that the inmate ever saw or was scheduled to see a dentist.
- There is no indication in the record that Dr. Hynick examined the inmate's teeth before his release on June 4, 2007.

Inmate 128. *[Multiple (5) courses of antibiotics for a dental problem; Denial of access to a dentist – 294 days without dental treatment; Dr. Hynick's failure to examine patient].*

- The inmate saw an NCP nurse on August 17, 2007 for "upper front dental pain". The nurse, who observed redness and edema at the gum line, was verbally ordered by Dr. Hynick to start the inmate on 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- The nurse saw the inmate on October 15, 2007 for lower right dental pain (redness and edema noted) and started him on another 7 day course of Penicillin and Ibuprofen pursuant to Dr. Hynick's verbal order.
- On April 1, 2008, Dr. Hynick verbally ordered another course of medication (for upper left dental pain accompanied by redness and edema).
- On May 22nd, Dr. Hynick verbally ordered a 7 day course of Penicillin and Ibuprofen (for lower left dental pain accompanied by redness and edema).
- On May 28th Dr. Hynick verbally ordered three more days of the medication because the "Infection [is] not completely resolved".
- There is no indication in the medical record that the inmate ever saw or was scheduled to see a dentist.
- There is no indication in the record that Dr. Hynick ever examined the inmate's teeth before his release on June 6, 2008.

Inmate 129. *[Multiple (5) courses of antibiotics for a dental problem; Denial of access to a dentist – 22 and 123 days without dental treatment in 2 incarcerations; Dr. Hynick's failure to examine patient].*

- On November 15, 2006, the inmate submitted a request to the Prison's Medical Department in care of a nurse. In the request, the inmate stated that she thought she might have a tooth abscess and asked whether she could have something for the pain.
- A handwritten nurse's entry on the bottom of the request slip (dated November 17, 2006) said: "*Gonna be here only 3 months—c/o wisdom teeth discomfort [left upper] gumline[.]*"
- She was seen by a nurse on November 16, 2006 for upper left dental pain (redness and edema noted). Dr. Hynick verbally ordered 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- She was seen by the nurse 7 days later. She complained about dental pain and asked to have the Ibuprofen extended through the Thanksgiving week-end. Dr. Hynick verbally ordered that the inmate be given 600 mg of Ibuprofen 3 times a day for the next five days.
- The inmate was released from the Prison on December 8, 2006.
- She was recommitted to NCP on July 23, 2007 (following several intervening incarcerations).
- On August 27th, she was seen by a nurse with a complaint of lower right dental pain. The nurse reported in a clinical note that her gum line was red and edema was noted on the gum line as well as on the right side of her face [the facial edema was described as "*slight*"]. Dr. Hynick verbally ordered that she be given 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- Dr. Hynick ordered additional courses of Penicillin and Ibuprofen on September 21st and December 26th of 2007.
- There is no indication in the inmate's medical record that she ever saw or was scheduled to see a dentist.
- There is no indication in the record that Dr. Hynick ever examined the inmate's teeth before her release on January 2, 2008.

Inmate 130. *[Multiple (7) courses of antibiotics for a dental problem; Denial of access to a dentist – 76 and 135 days untreated in 2 incarcerations; Dr. Hynick's failure to examine patient].*

- During a confinement that originated in July of 2007, the inmate was seen by a nurse on October 9, 2007, on October 31, 2007, on November 23, 2007, and on December 17, 2007 for complaints of lower left dental pain.
- On all four occasions, the nurse noted redness and edema at the gum line and that Dr. Hynick verbally ordered that the inmate be given 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day, for 7 days.
- There is no indication in her medical records that she either saw or was scheduled to see a dentist or that she was examined by Dr. Hynick before her release on December 24, 2007.

- During a subsequent confinement that began in January of 2008, she was seen on five occasions by a Prison nurse with complaints of lower left dental pain: March 11, 2008; April 3, 2008; April 22, 2008; May 13, 2008; and June 4, 2008.
- During each encounter, the nurse noted redness and edema and in each instance, Hynick verbally ordered 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day, for 7 days.
- Again, there is no documentation in the inmate's medical record that she saw or was scheduled to see a dentist or was examined by Dr. Hynick in connection with the recurring dental problems before her release on July 24, 2008.

Inmate 131. *[Multiple (3) courses of antibiotics for a dental problem; Denial of access to a dentist – 43 days without dental treatment; Dr. Hynick's failure to examine patient].*

- The inmate was seen by an NCP nurse on May 14, 2008 with a complaint of lower right dental pain. The nurse noted redness and edema on the gum line. Dr. Hynick verbally ordered that the inmate be given 500 mg of Keflex and 600 mg of Ibuprofen 3 times a day, for 7 days.
- This scenario recurred on May 29, 2008 and June 19, 2008.
- There is no indication in the inmate's medical records that he saw or was scheduled to see a dentist or that Dr. Hynick examined his teeth before his release on June 26, 2008.

Inmate 142. *[Multiple (5) courses of antibiotics for a dental problem; Denial of access to a dentist – 208 days without dental treatment; Dr. Hynick's failure to examine patient].*

- The inmate was seen by a Prison nurse on December 28, 2007 with a complaint of lower right dental pain.
- The nurse, who observed redness and edema at the site, started the inmate on a 7 day course of 500 mg of Penicillin 3 times a day pursuant to Dr. Hynick's verbal order. (The inmate was already on Ibuprofen for an unrelated reason).
- Another 7 day course of Penicillin was verbally ordered by Dr. Hynick on January 11, 2008 for lower right dental pain (the nurse observed redness and edema in the area).
- Three additional courses of Penicillin for lower right dental pain were verbally ordered by Dr. Hynick on February 5th; February 29th; and May 6th for dental problems.
- There is no indication in the inmate's medical records that she was ever scheduled to see or saw a dentist or evaluated by Dr. Hynick in connection with the recurring dental problems before her release on July 23, 2008.

Inmate 145. *[Multiple (3) courses of antibiotics for dental problems; Delayed access to a dentist – 44 days; Dr. Hynick's failure to examine patient; Nurse's prescribing medication or charting irregularity].*

- When the inmate was screened by an NCP nurse on September 24, 2007, the nurse noted on the screening document that he had a dental abscess on the upper right side

of his mouth and edema on the right side of his face and was given a stat (*i.e.*, immediate) dose of Rocephin that day. The notation also stated that the inmate would receive 500 mg of Keflex and 600 mg of Ibuprofen 3 times a day for 7 days. There is no indication in that entry or elsewhere in the inmate's medical record that either the Rocephin or Keflex was prescribed by Dr. Hynick.

- On October 12th, little more than a week later, the inmate was seen by a nurse for lower right dental pain.
- The nurse observed edema along the gum line and Dr. Hynick verbally ordered another 7 day course of Keflex/Ibuprofen.
- On October 30th, the inmate saw a nurse for upper right dental pain. Another 7 day course of Keflex/Ibuprofen was verbally ordered by Dr. Hynick.
- The inmate was sent to Dr. Ficken on November 7th.
- Dr. Ficken diagnosed abscesses of teeth # 3 and 18 and extracted tooth # 3.
- There is no indication in the medical record that Dr. Hynick ever examined the inmate's teeth.

Inmate 147. *[Multiple (2) courses of antibiotics for dental problems; Denial of access to a dentist – 37 days without dental treatment; Dr. Hynick's failure to examine patient].*

- The inmate was admitted to the Prison on September 5.
- On September 17, 2008, the inmate submitted the following request slip to the Prison's Medical Department: *"I would like to see the Nurse about my tooth[.] My mouth [is] starting to swell (abcessed)[sic] throbbing tooth ache. I would like to have the Penicillin my mom brought in [.] [I]t is recent medicine for my tooth. . ."*
- He was seen by a Prison nurse that day and started on a 7 day course of 500 mg of Penicillin and 600 mg of Ibuprofen, 3 times a day pursuant to Dr. Hynick's verbal order.
- Five weeks later, on October 20th, the inmate saw the nurse again. Her clinical note described the inmate's condition as follows: *"C/O severe tooth ache. Abscessed molar bottom [right] broken off."*
- Dr. Hynick verbally ordered another 7 day course of Penicillin and Ibuprofen.
- There are no indications in the medical records that the inmate saw or was scheduled to see a dentist.
- There is no evidence in the records that Dr. Hynick ever examined the inmate's teeth before his release on October 24, 2008.

Inmate 165. *[Multiple (5) courses of antibiotics for a dental problem; Denial of access to a dentist – untreated after 135 days without dental treatment; Dr. Hynick's failure to examine patient].*

- The inmate saw a Prison nurse on February 17, 2009, for upper right dental pain. Dr. Hynick verbally ordered a course of 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- On April 1, 2009, the inmate saw a nurse for upper right dental pain and Dr. Hynick verbally ordered another 7 day course of Penicillin and Ibuprofen.
- A third course of the medication was verbally ordered by Dr. Hynick on April 20th, after the nurse noted redness and edema along the gum line.
- A fourth course of antibiotics was ordered by Dr. Hynick on June 24th – followed by a fifth on July 22nd.
- There is no indication in the medical records that the inmate saw or was scheduled to see a dentist.
- There is no evidence that Dr. Hynick ever examined the inmate's teeth.

Inmate 169. *[Dr. Hynick's failure to examine patient; Denial of pain medication].*

- On July 14, 2009, the inmate submitted the following request to the Medical Department: *"May I please see the doctor[?] I have a bad abscess [sic] tooth, I am in a lot of pain[.] I can not eat or sleep."*
- The nurse examined the inmate's teeth that day and noted that two bottom molars were broken off and that his gums were red and swollen. She received a verbal order from Dr. Hynick to give the inmate 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- In a July 22nd request slip, the inmate told the Medical Department: *"[M]y teeth are severely hurting me, throbbing constantly. I'd like to have them pulled, maybe some medicine to stop the hurt. I appreciate your help, it's a terrible pain."*
- A handwritten notation below the message stated, *"Finished PVK 500 mg TID x 7 days 7-20-09 [with ibuprofen 600 mg po x 7 days."*
- There is no indication in the MAR that 1) the inmate received additional antibiotics or pain medication following the request, 2) that he was scheduled for a dental appointment or that 3) Dr. Hynick examined his teeth.

Inmate 172. *[Multiple (2) courses of antibiotics for a dental problem; Failure to refer to a dentist - 93 days without dental treatment; Dr. Hynick's failure to examine patient].*

- On October 29, 2008, when the inmate was medically screened by an NCP nurse, the nurse noted that he had broken teeth and cavities "on both rows".
- On November 13th, the inmate complained to a nurse about pain in an upper right molar area. The nurse saw redness around the tooth on the gum line as well as swelling. Dr. Hynick verbally ordered a 7 day course of Penicillin and Ibuprofen, 3 times a day.

- On November 22nd, the inmate again complained of pain in his upper molar. The nurse noted swelling and redness in the gum with decay in the molar. Dr. Hynick ordered another 7 day course of Penicillin and Ibuprofen.
- The inmate did not see nor was he scheduled to see a dentist.
- The inmate was not examined by Dr. Hynick.

Inmate 173. *[Multiple (5) courses of antibiotics for dental problems; Dr. Hynick's failure to examine patient; Delayed access to a dentist – 69 and 278 days]*

- On October 12, 2006, the inmate wrote in an inmate request: *"How can I see the dentist? My teeth hurt so bad that I'm getting migraines. If you could at least talk to me that would be nice!"*
- The next day, the nurse saw the inmate and noted that he six of his front teeth were decayed.
- Dr. Hynick verbally ordered the nurse to start the inmate on a 7 day course of 250 mg of Erythromycin, 3 times a day.
- The inmate was seen by a nurse on November 28, 2006 for a complaint of upper left dental pain. The nurse noted edema and that the gum line was red.
- Dr. Hynick verbally ordered another 7 day course of Erythromycin with 600 mg of Ibuprofen, 3 times a day for 7 days. The purported order was not later signed or initialed by Dr. Hynick.
- The nurse reported in a clinical note that an appointment with Dr. Ficken was scheduled for December 20th.
- On December 20th, Dr. Ficken extracted teeth # 8, 9, 10, 11, and 13. Dr. Ficken reported: *"Multiple abscesses, root tips, and non-restorable teeth."*
- On February 9, 2007, Dr. Hynick verbally prescribed a 7 day course of Erythromycin and Ibuprofen for upper left dental pain.
- On November 14, 2007, Dr. Ficken examined the inmate and noted several decayed teeth, several chronic abscessed teeth, a pulp polyp, an impacted tooth, and restorable teeth. He writes in the "Treatment" section of the record: *"No treatment. P[atien]t refused extractions. We are not authorized to do fillings"*
- There is no indication in the medical record that Dr. Hynick ever examined the inmate's teeth.

Inmate 177. *[Delayed access to a dentist - 402 days].*

- On June 21, 2007, the inmate submitted the following request to the Medical Department: *"I got some more swelling around my back tooth. I would like to have someone check it out before it gets worse. Please respond back so I know what's going."*

- On June 29, 2007, the inmate submitted another request slip, stating: *"Nurse [,] I sent a request slip on 6/21/07 about getting put on the tooth pulling list but I didn't get a response back. I don't know if you got it or not. So if you get a chance can you call me out front. I have other issues to talk about and I think I need to see the doctor A.S.A.P."*
- A July 2nd nurse's notation on the slip stated that the inmate was seen in the Medical Office. The notation did not explain what occurred in the Medical Office and there is no clinical note in the medical chart related to the purported encounter.
- On July 5th, the inmate wrote: *"I've been trying to come to see you so I can talk to you but I don't know if you've been getting my request slips[,] I've been writing request slips since 6/21/07[,] But if you get time can you call me out."*
- A July 6, 2007 nurse's notation on the request slip stated: *"Talked [with] inmate."* There is no reference in the notation describing what was discussed and nothing in the clinical records related to the purported discussion.
- There is no indication in the medical record that the nurse, Dr. Hynick or any other person from the Medical Department or elsewhere examined the inmate's teeth in response to his series of requests.
- On April 1, 2008 after the inmate complained about a toothache, Dr. Hynick examined his teeth. Dr. Hynick found that half of the biting surface of an upper tooth [third molar] was fractured and had a cavity. He also found *"Early dental Abscesses [with] dental cavities."* Dr. Hynick ordered 500 mg of Penicillin and 600 mg of Motrin for 5 days as well as *"tooth putty"*.
- On August 27, 2008, Dr. Ficken extracted teeth 2, 3, 14, and 15.
- From the date of the inmate's first complaint of pain (June 21, 2007) to the date he was seen by Dr. Ficken, more than one year passed.

Inmate 184. *[Multiple (2) courses of antibiotics for a dental problem; Delay in sending to dentist – 329 days; Dr. Hynick's failure to examine patient].*

- The inmate saw a nurse on May 2, 2007 for upper right dental pain. Part of a tooth was broken-off. The nurse noted a red gum line and edema. Dr. Hynick verbally ordered 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- The inmate was seen by a nurse on February 8, 2008 for upper right dental pain. Redness and edema were noted. Dr. Hynick prescribed another 7 day course of Penicillin and Ibuprofen.
- On March 26, 2008, Dr. Ficken extracted teeth 1, 2, 3 and 4.
- There is no indication in the medical record that Dr. Hynick examined the inmate's teeth.

Inmate 187. *[Multiple courses (4) of antibiotics for a dental problem; Delayed access to a dentist – 82 days; Dr. Hynick's failure to examine patient].*

- The inmate saw a nurse on January 11, 2008 for upper left dental pain. The nurse noted a red gum line and edema. Dr. Hynick verbally ordered that the inmate be given 500mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- That scenario was repeated on January 25th; February 11th; and March 18th of 2008.
- The inmate was sent to Dr. Ficken on April 2nd. Finding multiple cavities, abscesses, and non-restorable teeth, Dr. Ficken extracted teeth 5 and 12.
- There is no indication in the medical record that Dr. Hynick examined the inmate's teeth.

Inmate 197. *[Multiple (2) courses of antibiotics for dental problems; Delay in providing dental treatment – 53 days; Dr. Hynick's failure to examine patient].*

- On April 10, 2009, the inmate wrote the following in a request submitted to the Medical Department in care of a nurse: *"I have been having a great deal of pain in my left lower molar [sic], 'back tooth.' Nothings taking the pain away and it's been bothering me more and more each day. I wish to see the Dr. . ."*
- On April 21st, the inmate submitted another request slip to the Medical Department – this time in care of Prison nurses and Dr. Hynick – related to the tooth. He wrote: *"Nurse LuAnn I wish to see you as soon as possible[.] I was given and [sic] antibiotic for pain in my rear right lower molar[.] The pain is totally worst [sic] and really really bothering me[.] [S]ometimes it [is] unbearable. The gum around the tooth is inflamed and the tooth it self is loose[.] Need a Dr. to sign for me to go to my dentist[.] This is not going away. Please comply."*
- A notation on a request slip (apparently from a nurse) indicates that a course of antibiotic had been completed on April 19, 2009, in response to the previous request. A course (500 mg of Penicillin 3 times a day for five days) is documented in the MAR but not in the clinical chart.
- On May 6th, the inmate was seen by a nurse for dental pain. The nurse noted that the area assessed was *"tender"* and that the inmate stated that he was having difficulty sleeping. Dr. Hynick verbally ordered that the inmate be given 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days. The nurse noted that the inmate was "placed on dental list" and that an appointment would be made with Dr. Ficken's office. She also noted that the inmate was due to be released from NCP in November 2009.
- Nearly a month later, the inmate was seen by the nurse to complete dental paperwork for his appointment with Dr. Ficken. The inmate stated that he did not want to go to Dr. Ficken's office for a dental extraction and asked that the appointment be cancelled. He stated that he would attempt to *"fix the tooth following his release [from Prison]."*
- On June 10th, the inmate complained that his tooth was very loose and that his jaw hurt. Dr. Hynick verbally ordered a 7 day course of Penicillin and Ibuprofen.

- On August 5th, he was seen by a nurse. The bottom molar [which the inmate was attempting to preserve through a splint he fashioned] was still loose and cavities were noted in the upper molars. Another course of Penicillin and Ibuprofen was ordered.
- The inmate told the nurse during the August 5th encounter that he was agreeable to having the loose tooth extracted because *"it's dead"*. The nurse explained to him that if he went to the dentist, the tooth would be extracted because *"our contract is only for extractions. . ."*
- On August 6th, an appointment was scheduled with Dr. Ficken's. The inmate was seen by Dr. Ficken on June 2nd.

Inmate 200. *[Dr. Hynick's failure to examine patient; Delayed access to a dentist – 96 days].*

- On December 18, 2008, the inmate was seen by the Prison nurse complaining of pain in right molar. According to nurse's notes, the tooth was painful when touched with a tongue blade.
- Dr. Hynick verbally ordered Penicillin 500mg TID x 7 days and Ibuprofen 600mg TID x 7 days.
- A March 3, 2009 nurse's note reported: "I/M c/o pain in bottom (R) molar. Upon assessment, tooth is decayed. I/M states that he has pain in his jaw also."
- Dr. Hynick verbally ordered Penicillin 500mg TID x 7 days and Ibuprofen 600mg TID x 7 days.
- On March 24, 2009, Dr. Ficken extracted teeth 1 and 30. The diagnosis for tooth #30 was periapical abscess.

Inmate 202. *[Multiple courses (14) of antibiotics for dental problems; Denial of access to a dentist – 300 and 237 days without dental treatment in 2 incarcerations; Dr. Hynick's failure to examine patient].*

- On May 23, 2006, the inmate complained to a nurse about upper as well as lower teeth *"discomfort"* and the nurse noted slight edema on the left side of his face. Dr. Hynick verbally ordered a 7 day course of 500 mg of Penicillin and 600 mg of Ibuprofen, 3 times a day.
- The inmate returned with the same complaint on July 7, 2006. The nurse noted that the area was red and edema was seen. The nurse reported in a clinical entry: *"Starting PVK 500 mg TID x 7 days & Ibuprofen 600 mg TID x 7 days."* The note did not state that this course of antibiotic/pain medication was commenced pursuant to Dr. Hynick's order.
- Following the inmate's release from the Prison and return in December of 2006, he saw a nurse on December 22, 2006 with a complaint of upper and lower left dental pain. His gum line was red and edema was noted by the nurse. Dr. Hynick verbally ordered 500 mg of Penicillin/600 mg of Ibuprofen 3 times a day for 7 days.
- That scenario was repeated on January 8, 2007.

- On January 25th, the inmate saw the nurse for lower right dental pain. After the nurse observed a red gum line and edema, Dr. Hynick ordered a 7 day course of Penicillin and Ibuprofen, 3 times a day.
- Dr. Hynick verbally ordered two additional 7 day courses of Penicillin and Ibuprofen for lower right dental pain on February 22nd and March 13, 2007.
- The inmate was released March 19, 2007 without seeing or being scheduled to see a dentist and without Dr. Hynick examining his teeth.
- He was recommitted in August of 2008.
- He was seen by a nurse on October 15, 2008 for upper left dental pain. The nurse noted redness on the gum line and edema on the left side of his face. Dr. Hynick verbally ordered a 7 day course of Penicillin and Ibuprofen, 3 times a day.
- Dr. Hynick verbally ordered another 7 day course of the medication on November 13, 2008 for the same problem.
- Dr. Hynick verbally ordered additional 7 day courses of antibiotic/pain medication on for lower right dental pain on December 4, 2008; December 29, 2008; January 23, 2009; April 8, 2009; May 21, 2009, and June 30, 2009.
- In two incarcerations Dr. Hynick authorized 14 courses of antibiotic therapy for the inmate's dental problems.
- There is no evidence in the medical record that the inmate saw or was scheduled to see a dentist or examined by Dr. Hynick in the course of this incarceration either.

Inmate 204. *[Multiple (7) courses of antibiotics for dental problems; Denial/delayed access to a dentist – 268 days without dental treatment and 46 days for treatment in separate incarcerations; Dr. Hynick's failure to examine the patient].*

- On December 20, 2007, the inmate was seen by a nurse for upper left dental pain. The nurse noted redness on the gum line and edema. Dr. Hynick ordered that he be started on a 7 day course of 500 mg of Penicillin 3 times a day, with Ultram.
- On December 27th, Dr. Hynick verbally ordered another three days of Penicillin because the dental abscess was not "completely resolved".
- On April 30, 2008, Dr. Hynick verbally ordered a 7 day course of 500 mg of Penicillin and 600 mg of Ibuprofen for lower left dental pain (the nurse noted that the inmate's gum line was red, with edema).
- After being released, he returned to the Prison in late May of 2008.
- On July 29, 2008, he saw a nurse for lower right dental pain. The nurse noted redness/edema. Dr. Hynick verbally ordered the nurse to give the inmate 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- Two additional 7 day courses of Penicillin were verbally ordered by Dr. Hynick for lower right dental pain (redness/edema noted by the nurse) on August 22 and September 17 of 2008.

- The inmate was released from the Prison on September 20, 2008. He was recommitted on June 9, 2009.
- On June 22, 2009, he saw a nurse for upper and lower right side dental pain. Edema was noted on the gum line. Dr. Hynick verbally ordered the nurse to give the inmate 500 mg of Penicillin and 600 mg of Ibuprofen for 7 days, 3 times a day.
- On August 3, 2009, Dr. Hynick verbally ordered a 7 day course of 500 mg of Penicillin and 600 mg of Ibuprofen, 3 times a day for upper left dental pain (edema noted by nurse on the inmate's gum line).
- On August 20, 2009, Dr. Hynick verbally ordered a 7 day course of Penicillin and Ibuprofen for upper right dental pain (edema noted on his gum line).
- On August 20th, the inmate was scheduled to see Dr. Ficken on September 16th.
- On September 16, Dr. Ficken extracted three teeth.
- There is no indication in the medical record that Dr. Hynick ever examined the inmate's teeth.

Inmate 208. *[Multiple (6) courses of antibiotics for dental problems; Denial of access to a dentist – 253 days without dental treatment].*

- On July 2, 2008, the inmate was seen by a nurse for a complaint of upper left dental pain. The nurse, who noted a red gum line and edema, received a verbal order to start her on 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- Two additional 7 day courses of Penicillin and Ibuprofen were verbally ordered by Dr. Hynick on September 29th and December 30th for upper left dental pain/redness/edema.
- On January 7, 2009, she was seen by a nurse for *upper* facial edema and edema on both sides of her face. Hynick verbally ordered the nurse to start the inmate on 500 mg of Amoxicillin and 600 mg of Ibuprofen for 7 days, 3 times a day.
- Later on January 7th, Dr. Hynick examined her and found dental abscesses, swollen cheek, and dental decay on two upper left teeth. Dr. Hynick's plan was to continue with Amoxicillin for 7 days and place her on a dental list.
- The following month – on February 17th – a nurse saw the inmate for a complaint of upper left dental pain. Dr. Hynick verbally ordered the nurse to give her 500 mg of Penicillin and 600 mg of Ibuprofen for 7 days, 3 times a day. The nurse's note indicated that she was on a list to see a dentist in March.
- The inmate was released from the Prison on March 12, 2009 without having seen a dentist.

Inmate 212. *[Multiple (4) courses of antibiotics for dental problems; Delayed access to a dentist – 362 days; Dr. Hynick's failure to examine patient].*

- On April 11, 2008, the inmate complained to a nurse about upper right dental pain. The nurse saw that her gum line was red and that there was edema. Dr. Hynick verbally ordered a 7 day course of 500 mg of Penicillin and 600 mg of Ibuprofen, 3 times a day.
- On January 14, 2009, inmate saw a nurse for lower right dental pain. A red gum line and edema were noted. Dr. Hynick verbally ordered a 7 day course of 500 mg of Penicillin and 600 mg of Ibuprofen, 3 times a day.
- The inmate saw a nurse on February 9, 2009 for lower right dental pain. The nurse noted that the inmate's gum was red and there was swelling. Dr. Hynick verbally ordered 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- She was seen again on March 5th, for the same problem. Redness and edema were noted by the nurse. Another 7 day course of Penicillin and Ibuprofen was ordered.
- The March 5th nurse's note stated that inmate would be seen in the "Dental Clinic" on April 8th if she was still confined in the Prison at that time.
- Dr. Ficken extracted teeth 16 and 32 on April 22nd after finding cavities and dental abscesses associated with each tooth.
- There is no indication in the medical records that the inmate was seen at the "Dental Clinic" or examined by Dr. Hynick on April 8th or at any other time prior to the removal of the teeth.

Inmate 216. *[Multiple (10) courses of antibiotics for dental problems before patient offered access to a dentist – 341 days until dental appointment; Dr. Hynick's delayed examination of patient].*

- On September 5, 2008, the inmate complained to a nurse about upper right dental pain. His gum line was red and edema was noted. Dr. Hynick verbally ordered the nurse to give the inmate 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- On October 9, 2008, he saw the nurse again for upper right dental pain. The nurse noted a red gum line and edema - an "area about pea size in diameter". Dr. Hynick verbally ordered another 7 day course of 500 mg of Penicillin and 600 mg of Ibuprofen, 3 times a day.
- On December 16, 2008, he was seen by a nurse for upper right dental pain. He complained to the nurse about a bubble on his gum⁷⁵. Another 7 day course of Penicillin and Ibuprofen was verbally ordered by Dr. Hynick.
- On January 27, 2009, the inmate was seen by a nurse for upper right dental pain. The nurse noted a red gum line and edema. Dr. Hynick verbally ordered another 7 day course of Penicillin and Ibuprofen, 3 times a day.

⁷⁵ As noted previously (* 73), this indicates a draining abscess.

- On March 12, 2009, he saw the nurse for upper right dental pain. After the nurse noted a red gum line and edema, Dr. Hynick ordered another 7 day course of Penicillin and Ibuprofen, 3 times a day.
- On March 31, 2009, Dr. Hynick examined him, noted that the problem tooth was the second upper right molar, and prescribed Amoxicillin 3 times a day for 10 days.
- There were four subsequent times that the inmate saw the nurse for upper right dental pain during which the nurse noted a red gum line and edema and Dr. Hynick verbally ordered 7 day courses of either Penicillin or Amoxicillin with Ibuprofen, 3 times a day. These occurred on April 28, 2009; July 8, 2009; July 15, 2009; and August 12, 2009.
- On August 12th, there is a notation in the record that the inmate declined a dental appointment (to have the tooth extracted) "because he wanted to try to save the tooth." However, other than that statement, there is nothing in the record to indicate that 1) an appointment was offered, 2) the inmate was informed the consequences to his health of refusal, and 3) that the inmate actually declined (i.e., signed refusal form).
- From the time of the inmate's first complaint (9/5/2008), until he was offered (but declined) a dental appointment (8/12/2009), 341 days elapsed.
- Dr. Hynick examined the inmate again on September 1, 2009 and noted a dental abscess. He prescribed 500 mg of Keflex twice a day for five days.

Inmate 218. *[Multiple (4) courses of antibiotics for dental problems; Denial of access to a dentist – 100 days without dental treatment; Dr. Hynick's failure to examine patient].*

- On November 13, 2008, the inmate submitted the following request to the Medical Department: *"I would like to see the doctor about my wisdom teeth so I can see if I can get them removed. I'm in so much pain."*
- She saw a nurse that day about lower left dental pain. The nurse noted a red gum line and edema. Dr. Hynick verbally ordered a course of 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- Two additional courses of Penicillin and Ibuprofen were verbally ordered by Dr. Hynick on November 25th and December 16th following the inmate's complaints of lower left dental pain and the nurse's noting redness on her gum line and edema.
- On January 20, 2009, the inmate saw a nurse for right wisdom tooth pain. The nurse noted redness and some swelling on the inmate's gum. Dr. Hynick ordered a 7 day course of 500 mg of Penicillin and 600 mg of Ibuprofen, 3 times a day.
- The inmate did not see nor was she scheduled to see a dentist for these problems.
- Dr. Hynick did not examine her teeth in connection with these problems.
- After being released from the Prison, the inmate was recommitted in mid-April of 2009.
- During this incarceration, Dr. Hynick verbally ordered two 7 day courses of 500 mg of Penicillin/600 mg of Ibuprofen - 3 times a day - for lower right dental pain and observations of edema on the gum line. The courses were ordered on May 18th and June 2nd of 2009.

- When assessed by the nurse on June 2nd, the inmate reported that she expected to be released to a rehabilitation center soon and had scheduled an appointment with a dentist to have the tooth extracted. She was released two days later.
- As with the preceding incarceration, Dr. Hynick did not examine the patient's teeth during this period of confinement.

Inmate 219. *[Multiple (3) courses of antibiotics for dental problems; Denial of access to a dentist – 57 days without dental treatment; Dr. Hynick's failure to examine patient].*

- On February 4, 2009, the inmate complained to a nurse about upper right dental pain. The nurse noted a small bubble on the gum line. Dr. Hynick verbally ordered the nurse to give him 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- On February 20th and March 26th of 2009, Dr. Hynick verbally ordered two additional courses of Penicillin and Ibuprofen for the inmate's upper right dental pain.
- The inmate did not see and was not scheduled to see a dentist for the problem; nor did Dr. Hynick examine the inmate's teeth.

Inmate 227. *[Multiple (2) courses of antibiotics for dental problem; Dr. Hynick's failure to examine patient; Delayed access to a dentist – 23 days].*

- In a July 17, 2006 request to the Medical Department, the inmate wrote: "Could I please see you concerning massive pain in my teeth. I was supposed to have a root canal done but I got locked up. It hasn't been bothering me until now. As soon as possible please would be greatly appreciated. I'm in a lot of pain, so much I can't sleep right."
- The inmate was seen by a nurse the next day and Dr. Hynick verbally ordered 500 mg of Penicillin 3 times a day and 600 mg of Motrin twice a day, for 10 days.
- On July 27th, in another request to the Medical Department, the inmate wrote: "Could you please see me again about my tooth? I haven't had any medication in about 2 days and my mouth has been killing me. I'm in serious pain. If it's possible, I would like to get it pulled. Please! Please see me as soon as possible."
- On July 29th, the inmate was seen by the nurse. Dr. Hynick verbally ordered another course of Penicillin for 10 days, 3 times a day.
- On August 9th, Dr. Ficken extracted tooth #13 after finding an abscess.

Inmate 233. *[Multiple (2) courses of antibiotics for dental problems; Denial of access to a dentist – 58 days without dental treatment].*

- On December 9, 2008, Dr. Hynick saw the inmate for wisdom teeth pain and prescribed a 7 day course of 500 mg of Keflex and Tylenol #3, 3 times a day.
- On January 23, 2009, the inmate saw a nurse for lower right wisdom tooth pain. The nurse wrote: "Upon assessment [right] wisdom tooth out [and] gum red [and] painful to touch." Dr. Hynick verbally ordered a 7 day course of 500 mg of Penicillin and 600 mg of Ibuprofen, 3 times a day.

- The inmate did not see nor was he scheduled to see a dentist before his release on February 5, 2009.

Inmate 238. *[Multiple (2) courses of antibiotic for dental problems; Delayed access to a dentist – 44 days; Dr. Hynick's failure to examine patient].*

- The inmate was admitted to NCP on August 2, 2008.
- On September 2, 2008, the inmate saw a nurse for lower left dental pain. The nurse noted a red gum line and edema. Dr. Hynick verbally ordered that the inmate be given 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day for 7 days.
- This scenario was repeated on October 24, 2008.
- On November 5th, Dr. Ficken, after observing "inflammation" and diagnosing the problem as "Advanced periodontitis", and extracted teeth 20 and 21.

Inmate 244. *[Multiple (3) courses of antibiotics for dental problems; Delayed access to a dentist – 112 days].*

- On May 6, 2008, the inmate saw a nurse for lower right dental pain. Her gum line was red and edema was noted by the nurse. Dr. Hynick verbally ordered a 7 day course of 500 mg of Penicillin and two 325 mg tabs of Tylenol, 3 times a day.
- On June 25th, the inmate saw Dr. Hynick for dental pain and fatigue symptoms. Dr. Hynick observed cavities on the third upper right molar and ordered a 10 day course of 500 mg of Amoxicillin 3 times a day. In his plan, Dr. Hynick listed "Dental referral"; however, there no evidence in the chart that an appointment was made.
- On July 11th, the inmate saw a nurse for upper right dental pain. After the nurse noted a red gum line and edema, Dr. Hynick verbally ordered 500 mg of Penicillin and 1000 mg of Tylenol, 3 times a day for 10 days.
- On July 29th, the inmate saw the nurse for upper right dental pain (a red gum line and edema were noted). Dr. Hynick ordered a 10 day course of 500 mg of Amoxicillin and 1000 mg of Tylenol, 3 times a day.
- On August 18, the inmate saw a nurse for lower left dental pain. Dr. Hynick verbally ordered another 10 day course of Amoxicillin and Tylenol. An appointment was scheduled with Dr. Ficken for the following week.
- On August 27th, Dr. Ficken extracted teeth 2, 10, 14 and 15.

Inmate 246. *[Multiple (3) courses of antibiotics for dental problems; Delayed access to a dentist – 44 days; Dr. Hynick's failure to examine patient].*

- When the inmate was admitted to NCP on July 17, 2008, he was on a 7 day prescription of 500 mg of Penicillin and 600 mg of Motrin started three days earlier for dental problems. Dr. Hynick approved the continuation of the medicine.
- On August 7, 2008, inmate submitted the following request to the Medical Department: "When I got here 2 wks ago [from the Centre County Jail], I was on medication for my

bad teeth that need to be pulled. (Pennisilen/motrin)[sic] My teeth are causing me a lot of pain again, can you please put me back on meds for this, or let me see the dentist. 'This pain is becoming unbearable.'"

- He was seen by a nurse on August 8th and Dr. Hynick ordered that he be restarted on Penicillin and Motrin for 7 days, 3 times a day.
- On September 8th, the inmate complained to a nurse about upper right dental pain. After the nurse noted a red gum line and edema, Dr. Hynick verbally ordered that he be given another 7 day course of Penicillin - with 600 mg of Ibuprofen.
- Another 7 day course of Penicillin and Ibuprofen was verbally ordered by Dr. Hynick on October 2nd [after the nurse noted a red gum line and edema.
- On November 5th, Dr. Ficken extracted teeth 2 and 31.

Inmate 249. *[Multiple (3) courses of antibiotics for dental problems; Denial of access to a dentist – 56 days without dental treatment].*

- On May 28, 2009, the inmate complained of tooth pain. The nurse who assessed him noted that his bottom left wisdom tooth was "*broken down to gum*". The gum was described by her as "*red [and] swollen [with] grape size bump aside outer aspect of jaw*"⁷⁶. Dr. Hynick verbally ordered a 7 day course of 500 mg of Penicillin and 600 mg of Ibuprofen, 3 times a day.
- On June 2nd, Dr. Hynick examined him and noted dental cavities and swelling, but no extensive drainage. He diagnosed the problem as a "*dental abscess*." His plan was to order an intramuscular injection of Rocephin and continue Penicillin for five more days and monitor the progress.
- On July 20th, Shepherd saw a nurse for lower left dental pain. The nurse noted edema on the gum line. Dr. Hynick verbally ordered another 7 day course of Penicillin, 3 times a day, with Ibuprofen.
- The inmate was released from the Prison on July 23, 2009 without being scheduled to see a dentist.

Inmate 250. *[Multiple (3) courses of antibiotics for dental pain; Dr. Hynick's failure to examine patient's teeth; Charting irregularity; Denial of access to a dentist – 195 days without dental treatment].*

- On February 13, 2009, the inmate saw a nurse for upper right front dental pain. The nurse noted a red gum line with edema. Dr. Hynick verbally ordered the nurse to give him 500 mg of Penicillin and 600 mg of Ibuprofen for 7 days, 3 times a day.
- On April 1, 2009, Dr. Hynick verbally ordered another 7 day course of Penicillin and Ibuprofen for upper front dental pain (after a red gum line with edema was noted by the nurse).

⁷⁶ As noted previously (* 73), this indicates a draining abscess.

- On August 18, 2009, Dr. Hynick verbally ordered a 7 day course of Penicillin and Ibuprofen for lower left dental pain.
- The provision of antibiotic in August was not documented in the MAR.
- The inmate was released September 12, 2009.

Inmate 256. *[Multiple (2) courses of antibiotics for dental problems; Denial of access to a dentist – 48 days without dental treatment; Dr. Hynick's failure to examine patient].*

- On May 24, 2006, the inmate submitted the following request slip to the Medical Department: *"I was out to see the night nurse the other day about my tooth-ache and she had mentioned something about putting me on Penicillin for it[.] She told me to let her know when the pain got bad and it's pretty bad[.] So im wondering if I could get started on them cause my teeth are killing me."*
- On May 25th, a nurse saw the inmate and noted that he had decayed teeth. Dr. Hynick verbally ordered 500 mg of Penicillin twice a day for 6 days.
- On July 11th, the inmate wrote: *"I really need to go see a dentist soon [.] My teeth & jaw hurts so bad I can't even sleep at nite [sic] [.] I've been taking a ton of Advil for it but there [sic] not even helping anymore[.] [I]f I can't go to the dentist soon is there any way I can be put on something stronger to kill the pain?"*
- A nurse reported that day that the inmate was complaining about lower dental "discomfort". After noting a red gum line and edema, the nurse wrote: *"Starting PVK 500 mg TID x 7 days & Ibuprofen 600 mg TID x 7 days."* There was no indication in the chart entry that Dr. Hynick verbally ordered the course of Penicillin and Ibuprofen.
- There is no evidence in the medical record that the inmate saw or was scheduled to see a dentist.
- There is no evidence in the record that Dr. Hynick ever examined the inmate's teeth.

Inmate 262. *[Multiple (2) courses of antibiotic for dental problem; Delayed access to a dentist – 44 days; Dr. Hynick's failure to examine patient].*

- On February 23, 2009, the inmate was seen by a nurse after an upper right tooth broke off. Dr. Hynick verbally ordered 500 mg of Penicillin 3 times a day for 7 days (combined with Vicodin for an unrelated problem). He was placed on the dental list (for Dr. Ficken).
- On April 6, 2009, the inmate saw the nurse for upper right dental pain. The nurse noted edema on his face. Dr. Hynick verbally ordered another course of Penicillin in combination with the pre-existing Vicodin prescription.
- The nurse placed the inmate on the list to see Dr. Ficken that week due to the recent cancellation of another inmate's appointment to see Dr. Ficken.
- On April 8th, tooth #4 was extracted by Dr. Ficken who had found swelling and a periapical abscess.

Inmate 268. *[Multiple (3) courses of antibiotics for dental problems; Denial of access to a dentist – 155 days without dental treatment; Dr. Hynick's failure to examine patient's teeth].*

- On September 3, 2008, the inmate complained to a nurse about upper left dental pain. Dr. Hynick verbally ordered the nurse to give the inmate 500 mg of Penicillin and 600 mg of Ibuprofen 3 times a day, for 7 days.
- On September 22nd, the inmate saw a nurse for lower left dental pain (a red gum line and edema were noted by the nurse). Dr. Hynick ordered another 7 day course of Penicillin.
- He was seen again for lower left dental pain on December 22nd (red gum line and edema noted) and Dr. Hynick verbally ordered another 7 day course of Penicillin.
- The inmate neither saw nor was scheduled to see a dentist for these problems...
- There is no indication in the medical record that Dr. Hynick ever examined his teeth before his release on February 5, 2009.

EXHIBIT D

Table. NCP's Disposition of Inmates Complaining of Toothache

A	B	C	D	E	F	G	H
		Toothache Resolved	Toothache Unresolved				
Inmate ID	Date of First Complaint / Encounter for Dental Pain	Date of Dentist Appt	Date of Release from NCP	Date of Last Entry in Record	Days until Treatment	Days Untreated	Number of Antibiotic Courses
2	8/22/06		12/05/06			105	3
6	11/15/06		11/25/06			10	2
8	8/15/06		10/19/06			65	3
10	3/2/06	5/3/06			62		3
14	6/9/06		7/9/06			30	2
15	3/26/06	5/10/06			45		1
17	7/9/06		10/30/06			113	2
20	3/15/06		5/12/06			58	1
23	3/24/05	4/27/05			34		0
24	6/6/06		6/28/06			22	1
25	11/20/05 12/27/05	12/14/05 5/17/06			24 141		1
26	10/31/06		12/7/06			37	2
30	8/3/05	10/5/05			63		2
32	11/6/06			12/13/06		37	2
34	2/12/07		5/30/07			107	2
36	3/21/06	5/3/06			43		2
37	1/9/06	3/1/06			51		1
40	7/17/06			8/3/06		17	0
45	1/18/07	6/20/07			153		1
46	4/6/07		10/26/07			203	5
48	1/22/07		2/13/07			22	2
53	9/14/06		05/29/07			257	4
61	10/19/06	3/14/07			146		4
62	10/22/06		3/1/07			130	1
67	6/14/06		09/21/06			99	3
70	10/11/06		01/04/07			85	2
71	8/23/06 12/8/06	11/8/06	3/01/07		77	83	5
72	3/6/06		01/27/07			327	2

A	B	C	D	E	F	G	H
		Toothache Resolved	Toothache Unresolved				
Inmate ID	Date of First Complaint / Encounter for Dental Pain	Date of Dentist Appt	Date of Release from NCP	Date of Last Entry in Record	Days until Treatment	Days Untreated	Number of Antibiotic Courses
79	12/28/06	3/7/07			69		4
80	4/16/06			8/21/06		127	1
83	8/28/06		12/08/06			102	2
89	9/1/06		09/22/06			21	3
90	1/3/07		02/07/07			35	0
92	9/26/04		04/19/05			205	1
93	6/6/06		04/26/07			324	3
96	2/8/06	5/17/06			98		1
103	2/28/05 7/2/06	9/21/05	03/01/07		205	242	8
106	10/23/06	11/8/06			16		2
109	9/11/06 11/19/06	11/15/06	01/23/07		65	65	5
117	4/9/06 12/21/06	7/26/06	3/9/07		108	78	5
118	1/10/06 11/8/07		2/1/06	2/29/08		22 113	6
121	1/11/08	3/25/08			74		3
122	1/16/08		3/26/08			70	4
125	6/8/08	9/26/08			90		4
127	7/31/06		06/04/07			308	5
128	8/17/07		6/6/08			294	5
129	11/16/06 7/23/07		12/8/06 1/2/08			22 163	5
130	10/9/07 3/11/08		12/24/07 7/24/08			76 135	7
131	5/14/08		6/26/08			43	3
142	12/28/07		7/23/08			208	5
145	9/24/07	11/7/07			44		3
147	9/17/08		10/27/08			37	2
165	2/17/09			7/2/09		135	5
169	7/14/09			7/22/09		8	1

A	B	C	D	E	F	G	H
		Toothache Resolved	Toothache Unresolved				
Inmate ID	Date of First Complaint / Encounter for Dental Pain	Date of Dentist Appt	Date of Release from NCP	Date of Last Entry in Record	Days until Treatment	Days Untreated	Number of Antibiotic Courses
172	10/29/08			1/30/09		93	2
173	10/12/06 2/9/07	12/20/06 11/14/07		7/31/07	69 278		5
177	9/21/07	8/27/08			402		1
184	5/2/07	3/26/08			329		2
187	1/11/08	4/2/08			82		
197	4/10/09	6/2/09			53		2
200	12/18/08	3/24/09			96		2
202	5/23/06 11/15/08		3/19/07	6/30/09		300 237	14
204	12/27/07 6/22/09	9/16/09	9/20/08		86	268	7
208	7/2/08		3/12/09			253	6
212	4/11/08	4/8/09			362		4
216	9/5/08	8/12/09			341		10
218	11/13/08		2/21/09			100	4
219	2/4/09			4/2/09		57	3
226	2/10/09		4/30/09			79	1
227	7/17/06	8/9/06			23		2
233	12/9/08		2/5/09			58	2
238	9/2/08	11/5/08			64		2
244	5/7/08	8/27/08			112		3
246	7/17/08	11/15/08			56		3
249	5/28/09		7/23/09			56	3
250	2/13/09		9/12/09			195	2
256	5/24/06			7/11/06		48	2
262	2/23/09	4/8/09			44		2
264	8/7/08	11/5/08			44		2
268	9/3/08	2/5/09				155	3
Average					104	123	3.1